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## Legislative Assembly of Ontario

Second Session, 38<sup>th</sup> Parliament

# Official Report of Debates (Hansard)

Monday 24 April 2006

Speaker  
Honourable Michael A. Brown

Clerk  
Claude L. DesRosiers

## Assemblée législative de l'Ontario

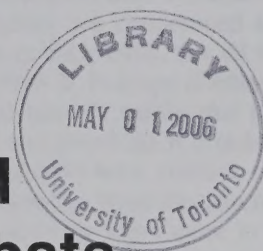
Deuxième session, 38<sup>e</sup> législature

# Journal des débats (Hansard)

Lundi 24 avril 2006

Président  
L'honorable Michael A. Brown

Greffier  
Claude L. DesRosiers





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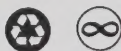
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## LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 24 April 2006

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 24 avril 2006

*The House met at 1330.  
Prayers.*

### MEMBERS' STATEMENTS

#### ANNIVERSARY OF ARMENIAN GENOCIDE

**Mr. Frank Klees (Oak Ridges):** Yesterday, the Canadian Armenian community of Toronto commemorated the 91st anniversary of the Armenian genocide of 1915. I had the honour of attending this historic event together with the leader of the Ontario Progressive Conservative Party, John Tory, who expressed his support to the Armenian community on this solemn occasion, confirmed his acknowledgement of the Armenian genocide and condemned this act as a crime against humanity.

I referred to yesterday's event as historic because it marked the first such occasion on which the Armenian people were rewarded for their persistent appeal for justice with the declaration by a Prime Minister of this country that the government of Canada formally recognizes the Armenian genocide. Representing Prime Minister Stephen Harper was the member of Parliament and parliamentary secretary to the Prime Minister, Mr. Jason Kenney, who delivered a statement on behalf of the Prime Minister in which, for the very first time, a Prime Minister has had the courage and the moral integrity to bring the policy of the executive branch of the federal government on the Armenian genocide in line with the House of Commons and the Senate of Canada resolutions.

The Prime Minister's statement read, in part: "Ninety-one years ago the Armenian people experienced terrible suffering and loss of life. In recent years, the Senate of Canada adopted a motion acknowledging this period as the 'first genocide of the 20th century,' while the House of Commons adopted a motion that 'acknowledges the Armenian genocide of 1915 and condemns this act as a crime against humanity.' My party and I supported those resolutions and continue to recognize them today...."

"I join with you today in remembering the past, and I encourage you to continue honouring your forefathers by building a bright future for all Canadians."

**Mr. Tony Ruprecht (Davenport):** I rise today to mark the 90th anniversary of the Armenian genocide. April 24, 1915, was the start of a systematic campaign to eradicate the Armenian people from present-day Turkey, the last century's first case of ethnic cleansing. One and a

half million Armenian men, women and children were brutally killed.

At the time, the world community, constrained by politics, sat idly by and did nothing. Thus, the stage was set for other genocides and human tragedies, such as the one that occurred in Rwanda in 1994. In fact, upon unveiling his final solution for the Jewish people, Hitler noted that the world would not lift a finger because, in his words, "Who today remembers the Armenians?"

"Those who ignore history are condemned to repeat it." We accept this axiom as basic truth, but all too often the world has failed to follow it. Perhaps if other nations had acknowledged that the horrific reality that happened to the Armenians in 1915 was genocide, it is possible that subsequent genocides might have been averted.

Today, many of my colleagues from this assembly and I will be at the Armenian Community Centre in Toronto to commemorate the lives lost in this first genocide of the last century. I urge all members of the Legislature to commemorate this event with the Armenian community in Toronto.

#### ORGAN DONATION

**Mr. Norm Miller (Parry Sound-Muskoka):** Today marks the beginning of National Organ and Tissue Donation Awareness Week. On behalf of John Tory and my colleagues of the Progressive Conservative caucus, I want to express our support for all who dedicate themselves to making the gift of life available through organ donation.

We recognize the work of the Trillium Gift of Life Network, who have the responsibility of coordinating Ontario's organ donation system, and we pay tribute to the medical professionals who, over the years, have placed Ontario on the leading edge of organ donation. Lives are saved daily through the miracle of organ transplants made possible by the uniting of medical expertise and the selfless gift of organ donation. Yet the waiting lists for organ transplants continue to grow. Some 2,000 people are on waiting lists in this province, and one person dies every three days waiting for an organ transplant. We must do everything possible to raise awareness of the life-saving gift of organ donation.

To this end, I encourage all members of this House to ensure that the private member's bill being proposed by the member from Oak Ridges receives final approval by this House and is implemented by the government without delay. That bill will ensure that every Ontarian is reminded regularly of the importance of organ donation,



yet fully respects the personal right of every individual to make this decision. We as legislators must do everything we can to increase the awareness of the importance of organ donation. By doing so, we will ensure that lives are saved.

### LONG-TERM CARE

**Mr. Peter Kormos (Niagara Centre):** The plight of seniors, our eldest citizens in Dalton McGuinty's Liberal Ontario, is getting worse. They are left sitting in wheelchairs like pieces of garbage, says Kathy Borisenko, who is co-chair of the family advisory council at Rapelje Lodge in Welland. She is a personal witness to the last three years of the life of her father, Sam Dickson—betrayed, along with other women and men who have worked so hard and built so much and given so much to their communities, to their province and to their country, by the Liberals and Dalton McGuinty, who doesn't deliver on his promise of \$6,000 a year in new money for residents of long-term-care facilities so they can have even the most basic and minimum standards of care while they're living out those final years in those facilities: adults forced into diapers, left to sit in their own waste because there aren't enough staff to assist them with the toilet and with bathrooms.

Does this government, with its \$3-billion windfall in unexpected revenues, invest it in seniors? No; \$1.2 billion in accelerated tax cuts for banks and insurance companies, and our folks and our grandparents are left to decay in seniors' homes. You cut in half the mere 3% inflationary funding increase that the province provided on an annual basis for long-term-care facilities. In October, you cut it in half.

Shame on Dalton McGuinty and every—

**The Speaker (Hon. Michael A. Brown):** Members' statements.

### ANTI-SEMITISM

**Mr. Mario G. Racco (Thornhill):** Recently, two constituents of mine from Thornhill, Frank Dimant, executive vice-president of B'nai Brith Canada, and Ruth Klein, national director of the League for Human Rights and a leading Canadian expert on anti-Semitism, released the 2005 Audit of Anti-Semitic Incidents, an annual study on patterns of prejudice in this country. The audit is recognized as a most credible source on anti-Semitism in this country.

Disturbingly, 544 anti-Semitic incidents took place in Ontario this year, an increase of 2.6% over 2004 numbers. While the cases of vandalism and violence dropped in Ontario, cases of harassment rose by 29.8%. Incidents included vandalism against synagogues, swastikas on public sites and private homes, physical assaults against Jews and hate propaganda via the Internet.

B'nai Brith Canada operates its anti-hate hotline 24 hours a day, seven days a week at 1-800-892-BNAI, or 2624, which I encourage the public to use to report acts of anti-Semitism, hate-motivated crimes, harassment and

Internet hate. Reports can also be made online at [www.bnaibrith.ca](http://www.bnaibrith.ca).

I commend B'nai Brith Canada for providing the world with this important service and look forward to continuing to work with them to eliminate racism, discrimination and intolerance.

1340

### TRANSPORTATION INFRASTRUCTURE

**Mrs. Christine Elliott (Whitby–Ajax):** Gridlock is a serious problem in many parts of the greater Toronto area, but nowhere is it worse than in Durham region. The recent budget tabled by the McGuinty Liberals was touted as a transportation and infrastructure budget, yet there was nothing in it for transportation in Durham region, one of the fastest-growing regions of the province. This is totally unacceptable.

As I went from door to door in Whitby–Ajax during the recent by-election, people's frustration with the lack of action by the McGuinty government on the gridlock issue was evident. People are concerned about the effect that gridlock is having on their families and on their communities. This is reflected in terms of personal stress and in the fact that it's difficult to help in your community as a volunteer, be it as a coach of a soccer team or a board member of a charitable organization, if it takes you several hours to get home every night. This lack of infrastructure funding also stifles economic growth by impeding the free flow of goods and services, an essential component in the manufacturing sector.

Currently, Highway 407 stops at Brock Road in Pickering. An extension of the 407 to Highway 115 is urgently needed for Durham region. While environmental assessments have commenced, there seems to be a lack of political will on the part of the McGuinty Liberals to move the Highway 407 project forward and give it the priority it requires.

Why has the McGuinty government ignored the transportation and infrastructure needs of the residents of Durham region? For the sake of the personal and economic well-being of our residents and our communities, we need relief from gridlock and we need—

**The Speaker (Hon. Michael A. Brown):** Thank you. Members' statements.

### CITY OF CORNWALL

**Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh):** The member who, for the time being, is representing Dufferin–Peel–Wellington–Grey visited the city of Cornwall on Friday to talk about the closure of the Domtar plant and made every effort to paint the city and riding as being in a state of decline. This is further proof that the member aspiring to represent a Toronto riding just doesn't get it. Cornwall is not a city in decline. In fact, it is a city with a bright future. It is a community in a period of transition, and this government is doing everything in its power to aid its renaissance. Through new hospital and school projects, repaired roads and



water and waste water infrastructure, as well as funding for cultural events and attractions, the McGuinty government is assisting an entrepreneurial spirit so prominent in the riding.

Many of my colleagues on the government side of this House are impressed by this spirit and have visited Cornwall and met with its leaders to see the development going on in the city—just a week and a half ago, my friend Mr. Zimmer was in the riding. Businesses are beginning to look at Cornwall with new eyes.

Cornwall is a city with a proud past and a bright future. Make no mistake: There are still hard times ahead and many of its citizens need assistance in preparing for what lies ahead. This government has been there in support of those affected by the plant closures and will continue to be there to help them through the transition process. The people of Cornwall are determined to look ahead rather than dwell on the past, a lesson the Leader of the Opposition would do well to heed himself.

### IMMIGRANTS' SKILLS

**Ms. Deborah Matthews (London North Centre):** I'm delighted to tell the House about a wonderful new resource in Ontario for internationally educated professionals and for employers seeking trained workers. I often hear from my constituents about foreign-trained professionals arriving in Ontario with credentials, degrees and experience that would impress the toughest interviewer. Unfortunately, however, many new immigrants cannot find jobs in their fields and end up underemployed or unemployed. This is very demoralizing for the immigrants and an unforgivable waste of highly skilled talent for Ontario employers.

However, one part of the solution has been found. Thanks to an initiative led by the WIL Employment Connections centre with the Waterloo Region District School Board and COSTI Immigrant Services in Toronto, a great new website has been launched. With very generous support from the Ontario Trillium Foundation, [skillsinternational.ca](http://skillsinternational.ca) is online and receiving hits every minute.

[Skillsinternational.ca](http://Skillsinternational.ca) features internationally educated professionals who are ready to work and have the skills that employers need. Immigrants, through an approved agency, post their resumé on this site, and employers can search resumé by skills, experience, location and education. This online tool is cost-effective, efficient and the first of its kind in Canada. Recently in my riding, Anne Langille, Lissa Foster and Sohail Khan from the WIL employment centre showed me how this website matches the many foreign-trained professionals who are ready to work with the employers who need these skilled professionals.

### CANADIAN FATALITIES IN AFGHANISTAN

**Mr. Lorenzo Berardinetti (Scarborough Southwest):** I rise today to pay tribute to four courageous young men

who died while bringing peace, stability and security to a region and country so desperately in need of both.

Four Canadian soldiers died in Afghanistan early Saturday morning when a roadside bomb detonated under their Jeep as they were returning from a goodwill mission to a northern village. There are no words that can truly or properly express the devastating death of a young person taken in life's prime. It is hard to comprehend and difficult to accept. Their commitment to duty was the ultimate sacrifice, and for that we are eternally grateful.

Corporal Matthew Dinning was born in Richmond Hill and had been stationed at 2 Canadian Mechanized Brigade Group in Petawawa. Corporal Dinning had followed in the footsteps of his father, who had served in Bosnia, protecting the people and the values we hold so dear.

Lieutenant William Turner, born in Toronto, was of the Land Force Western Area Headquarters, stationed at Edmonton. Lieutenant Turner was a reservist and a Canada Post letter carrier. Lieutenant Turner had the specific job of liaising with village elders in Afghanistan as a volunteer civil-military co-operation officer.

Bombardier Myles Mansell was born in Victoria, BC. He was of the 5th Field Regiment, stationed at Victoria. Myles was also a reservist and had been a carpenter by trade. It was Bombardier Mansell's life-long dream to fight for Canadian values as part of the military. He served our country with great valour.

The fourth soldier was Corporal Randy Payne of Canadian Forces Base Wainwright, Alberta.

To the families of these fine soldiers, we offer our deepest sympathies on their loss. These men sacrificed all they knew, all the comforts, love and safety of home, in order to defend the rights and freedoms of others. They died so we can live with the freedoms we enjoy and so the people of Afghanistan can come to enjoy peace. Their efforts in bringing stability, peace and harmony to a country and its peoples and in defending their fellow soldiers, and their devotion to duty, will always be remembered. In recognizing their efforts to help others gain a better quality of life today, let us remember their sacrifice and dedication always.

I would ask unanimous consent that we all rise for a moment of silence in recognition of the lives of our soldiers.

**The Speaker (Hon. Michael A. Brown):** Mr. Berardinetti has asked for unanimous consent for a moment of silence. Agreed? Would members please stand.

*The House observed a moment's silence.*

### REPORTS BY COMMITTEES

#### STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

**Mr. Bob Delaney (Mississauga West):** I beg leave to present a report from the standing committee on the Legislative Assembly and move its adoption.



**The Speaker (Hon. Michael A. Brown):** Shall the report be received and adopted? Agreed.

The bill is therefore ordered for third reading.

1350

### WEARING OF RIBBONS

**Hon. George Smitherman (Minister of Health and Long-Term Care):** On a point of order, Mr. Speaker: This is organ and tissue donation week in Ontario. I'd like to seek unanimous consent for members to wear the green ribbon in recognition and to prepare for a ministerial statement on Thursday.

**The Speaker (Hon. Michael A. Brown):** Agreed? Agreed.

### INTRODUCTION OF BILLS

#### GREATER TORONTO TRANSPORTATION AUTHORITY ACT, 2006

#### LOI DE 2006 SUR LA RÉGIE DES TRANSPORTS DU GRAND TORONTO

Mr. Takhar moved first reading of the following bill:

Bill 104, An Act to establish the Greater Toronto Transportation Authority and to repeal the GO Transit Act, 2001 / Projet de loi 104, Loi visant à créer la Régie des transports du grand Toronto et à abroger la Loi de 2001 sur le Réseau GO.

**The Speaker (Hon. Michael A. Brown):** Is it the pleasure of the House that the motion carry? Carried.

Does the minister wish to make a brief statement?

**Hon. Harinder S. Takhar (Minister of Transportation):** Mr. Speaker, I will make the statement during ministerial statements.

#### KEEP YOUR PROMISE ON THE GAS PRICE WATCHDOG ACT, 2006

#### LOI DE 2006 SUR L'OBLIGATION DE TENIR LES PROMESSES ÉLECTORALES CONCERNANT L'AGENT DE SURVEILLANCE DES PRIX DU CARBURANT

Mr. Bisson moved first reading of the following bill:

Bill 105, An Act respecting the price of motor vehicle fuel and the appointment of a Gas Price Watchdog / Projet de loi 105, Loi concernant le prix du carburant pour véhicules automobiles et la nomination d'un agent de surveillance des prix du carburant.

**The Speaker (Hon. Michael A. Brown):** Is it the pleasure of the House that the motion carry? Carried.

The member may wish to make a brief statement.

**Mr. Gilles Bisson (Timmins-James Bay):** This bill was introduced by a number of Liberal members in opposition at the time who believed—I don't believe it would have been you, Speaker. It was introduced by a

number of Liberal members in opposition to the then Ernie Eves-Mike Harris government to create a gas price watchdog. I thought it was a good idea, and as I looked at the price of gas this weekend, which went from about \$1.02 to \$1.41 in a period of one day in Timmins, I said to myself, "We need to have a watchdog; we need to have something in order to deal with the price of gas, because clearly at the end of the day consumers are being gouged at the pumps."

### MOTIONS

#### HOUSE SITTINGS

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I move that, pursuant to standing order 9(c)(i), the House shall meet from 6:45 p.m. to 9:30 p.m. on Monday, April 24, 2006, for the purpose of considering government business.

**The Speaker (Hon. Michael A. Brown):** Mr. Bradley has moved government notice of motion number 112. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

*The division bells rang from 1355 to 1400.*

**The Speaker:** All those in favour will rise one at a time and be recognized by the Clerk.

#### Ayes

Arthurs, Wayne  
Balkissoon, Bas  
Bartolucci, Rick  
Bentley, Christopher  
Berardinetti, Lorenzo  
Bradley, James J.  
Bryant, Michael  
Cansfield, Donna H.  
Caplan, David  
Chudleigh, Ted  
Colle, Mike  
Crozier, Bruce  
Delaney, Bob  
Dhillon, Vic  
Di Cocco, Caroline  
Dombrowsky, Leona  
Duguid, Brad  
Duncan, Dwight  
Dunlop, Garfield  
Elliott, Christine  
Flynn, Kevin Daniel  
Fonseca, Peter  
Hardeman, Ernie  
Hoy, Pat  
Hudak, Tim  
Jeffrey, Linda  
Kular, Kuldip  
Kwinter, Monte  
Levac, Dave  
MacLeod, Lisa  
Marsales, Judy  
Matthews, Deborah  
Mauro, Bill  
McMeekin, Ted  
Meilleur, Madeleine  
Miller, Norm  
Mossop, Jennifer F.  
Munro, Julia  
O'Toole, John  
Oraziotti, David  
Ouellette, Jerry J.  
Parsons, Ernie  
Patten, Richard  
Peters, Steve

Phillips, Gerry  
Pupatello, Sandra  
Qadri, Shafiq  
Racco, Mario G.  
Ramal, Khalil  
Runciman, Robert W.  
Ruprecht, Tony  
Sandals, Liz  
Scott, Laurie  
Sergio, Mario  
Smith, Monique  
Smitherman, George  
Takhar, Harinder S.  
Tory, John  
Van Bommel, Maria  
Watson, Jim  
Witmer, Elizabeth  
Wong, Tony C.  
Yakabuski, John  
Zimmer, David

**The Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

#### Nays

Bisson, Gilles  
Horwath, Andrea  
Kormos, Peter

Marchese, Rosario  
Martel, Shelley  
Murdoch, Bill

Prue, Michael  
Tabuns, Peter

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 64; the nays are 8.

**The Speaker:** I declare the motion carried.



## VISITOR

**Mr. Tim Hudak (Erie–Lincoln):** On a point of order, Mr. Speaker: I would like the members to recognize the mayor of Port Colborne. His Worship Ron Bodner has joined us in the assembly today.

STATEMENTS BY THE MINISTRY  
AND RESPONSES

## PUBLIC TRANSPORTATION

**Hon. Harinder S. Takhar (Minister of Transportation):** Mr. Speaker, it gives me great pleasure to rise in the House today to talk about legislation I am introducing to create the Greater Toronto Transportation Authority, known as the GTTA. Many of us live and work in different places, and we all want to spend less time commuting. The GTTA will make it as easy to take public transit as it is to drive a car.

The greater Toronto area occupies less than 1% of Ontario's land area, but nearly half of the province's residents live in this region. Traffic congestion on GTA roadways is a significant concern for the whole province. The 400 series highways that pass through this area are some of the busiest in North America. Much of the \$900 million in two-way trade that crosses the Ontario-US border every day travels on these roads. Delays threaten our prosperity.

It is in everyone's interest to reduce congestion and keep traffic moving quickly, reliably and safely. It is critical to our economic success and quality of life.

In the next 25 years it is estimated that we will see an increase of nearly two million vehicles in the greater Toronto and surrounding area. The amount of time spent stuck in traffic could increase by four times and drive the cost of congestion as high as \$20 million a day. We can't let that happen.

If passed, our legislation will create an agency to bring together the province, the regions of Durham, Halton, Peel and York and the cities of Hamilton and Toronto as well as local transit agencies to create a seamless and convenient transportation network—a network that takes into account road, rail and transit services, and all other modes of transportation.

The GTA is one economic region and our prosperity depends on a reliable and efficient transportation system that can move goods and people effectively and efficiently. We need to take a region-wide approach to transit and transportation, one that meets the growing number and the growing needs of commuters in this region. This is consistent with the government's overall approach to planning as outlined in the Places to Grow growth plan for the greater Golden Horseshoe.

Our transit and transportation problems and solutions are interregional in nature, crossing municipal boundaries. The GTTA will play a critical role in planning for a seamless, integrated transit network so that people can

use public transit to travel easily from Hamilton to Newmarket to Oshawa.

What does this mean for commuters? Convenience; better value; less time waiting for a connecting bus or train.

Our key objectives for the GTTA are to improve service, reduce congestion and remove artificial barriers to traveling. When people take public transit, they don't think about municipal boundaries. They just want to get from one place to another, and they want to do so quickly, efficiently and in a reliable manner. We must avoid duplication in routes and services.

Under our proposal, the GTTA will also be responsible for the GTA fare card system, spearheading the coordination of purchasing public transit vehicles and managing GO Transit.

It makes sense to transfer GO Transit to the GTTA at the appropriate time. As the province's largest inter-regional transit provider, GO Transit supports the GTTA's mandate of planning and identifying strategic investments. It also supports our goal of integrating transit and fare card systems.

The highly successful provincial gas tax program has increased ridership by 3.4 percentage points across Ontario. This program has allowed transit agencies to purchase new buses, hire new drivers and add new routes. To put it in perspective, that is the equivalent of eliminating 18 million car trips a year.

The proposed GTTA will report to the Minister of Transportation. The authority will be overseen by a board appointed by the Lieutenant Governor in Council.

Under our proposed legislation, the GTTA will be governed by representatives from Durham, Halton, Peel and York regions, the cities of Hamilton and Toronto, and the province. We will also establish an advisory committee of stakeholders representing seniors, students, persons with disabilities and the business community.

One of the GTTA board's first tasks will be to create a region-wide, multi-modal transportation plan. Annually, the agency will submit a rolling five-year capital plan with an investment strategy.

## 1410

Our government is bringing forward legislation that, if passed, will fulfill another election promise: to integrate transportation in the GTA and Hamilton area and relieve congestion and gridlock. That will take much more than a quick fix. We need a broader comprehensive vision. We need to ensure that the transit and infrastructure are in place to support strategic growth throughout the greater Golden Horseshoe.

We need a vision that puts transit in areas where we need future growth to happen. Our economy depends on how quickly and efficiently we can move people and goods through the region.

Transit is our key priority. Now is the time to move forward. This is an important and exciting day for Ontario. I encourage all members of this House to support the legislation that I have introduced today.



## EMPLOYMENT SUPPORTS

## SOUTIENS À L'EMPLOI

**Hon. Madeleine Meilleur (Minister of Community and Social Services, minister responsible for francophone affairs):** I rise in the House today to announce that more than 2,000 Ontario Works clients are working right now, thanks to the McGuinty government's innovative pilot program Jobs Now.

One year ago, our government introduced Jobs Now to help long-term Ontario Works clients move into lasting employment and ultimately off social assistance.

Je suis très fière de faire un compte rendu sur les progrès et les succès du programme ActionEmplois, un projet pilote qui a fait une différence réelle et très positive dans la vie de bien des Ontariennes et des Ontariens et leurs familles.

Jobs Now recognizes that many people who rely on social assistance want to find meaningful work, work that will last and that will allow them to make a better life for themselves and their families. Jobs Now provides ongoing employment counselling, job placement and, most importantly, job retention support to help people find and keep jobs so they can become financially independent from social assistance. These are not make-work jobs. These are real jobs, paying well above minimum wage in areas like sales, finance, administration and transport.

Je voudrais féliciter chacun et chacune des 2 000 et plus participants au programme dans toute la région de la province qui ont maintenant un emploi. Après avoir touché des prestations d'aide sociale pendant plus d'un an, ces personnes ont réintégré le marché du travail et leurs perspectives d'avenir se sont améliorées. Leur réussite est une source d'espoir et d'encouragement pour les bénéficiaires de l'aide sociale de la province.

As we continue to place more and more people in steady jobs, we will not forget to support those who are currently working. Jobs Now will provide long-term job retention services, up to 18 months' worth of follow-up support once somebody is placed in a job, because we know that keeping a job is as important as finding one in the first place. This is how we will make sure people stay on the right track, because we want to do everything we can to make sure they succeed in their jobs, to help prevent them from needing to rely on social assistance ever again in the future.

I would like to take a moment now to acknowledge those who have had a hand in making Jobs Now a success.

Mes sincères remerciements à nos partenaires du programme ActionEmplois.

The six municipalities—Peel region, Durham region, Hamilton, Windsor, Ottawa and Nipissing—that have taken pride in hosting this project; the local chambers of commerce and 1,590 employers currently employing Jobs Now participants in these municipalities who have shown their tremendous support for Jobs Now, and set a positive example for other businesses in these areas and across the province; and WCG International, our partner

in improving employment prospects for social assistance clients in Ontario.

Jobs Now is a wonderful example of how this government is meeting its commitment to help move people off social assistance into steady jobs. It is part of our plan to restore integrity to Ontario's social assistance programs: a plan that is helping improve the lives of thousands of Ontarians; a plan that is good for Ontario's economy and good for the people of Ontario; a plan that recognizes that our people are our greatest resource and, when they can fulfill their potential, the entire province benefits.

I trust my honourable colleagues will join me in celebrating the progress Jobs Now has made so far and will continue to make in the future.

Je vous invite à vous joindre à moi afin de souligner les progrès et les succès d'ActionEmplois.

## VOLUNTEERS

**Hon. Mike Colle (Minister of Citizenship and Immigration):** Last week, Swedish officials announced that Ontario's own 23-year-old from Thornhill, Craig Kielburger, had been awarded the 2006 World Children's Prize for the Rights of the Child, otherwise known as the Children's Nobel Prize.

As many of you are aware, Craig has been a tireless advocate for the rights of children. This award is an acknowledgment of the tremendous work being carried out by Free the Children, an organization that Craig founded in 1995. Over the past 11 years, Free the Children has engaged youth in Canada and the United States in the struggle to release young people from poverty and exploitation. With programs in 45 countries, Free the Children has helped fund 420 school projects, has established clean water initiatives and has sent health supplies to children around the world.

Craig's organization is a driving force behind a new generation of volunteers. Free the Children works tirelessly to get young people excited about volunteer opportunities. Craig's work ensures that young volunteers get enthused about working on projects based in Canada or overseas. It is wonderful and reassuring to see young Ontario volunteers getting international recognition. Craig and Free the Children youth coordinators Silvia Borzellino, Jessica Bentley-Jacobs, Theresa Karsner and Robyn Read are with us today in the gallery. I want to acknowledge their presence and pass on our gratitude.

Craig and his young army of volunteers are a testament to the power of volunteerism. As the Minister of Citizenship and Immigration, I want to congratulate Craig and his volunteers on this extraordinary honour.

The announcement of Craig's award is timely given that it is now April, a month when Volunteer Canada asks Canadians to celebrate National Volunteer Week. This year, National Volunteer Week is being celebrated between Sunday, April 23, and Saturday, April 29. It is a great opportunity for us to shine a spotlight on the thousands of Ontarians who donate their time and energy to



volunteer activities in their communities—in their towns, cities and rural areas across Ontario.

Volunteers have built Ontario, and they're still building it. They make our province strong, healthy and proud. Volunteers bring hope. Whether it's a flood in Peterborough or a tsunami in South Asia or helping the frail and elderly at our local hospitals and homes for the aged, volunteers, young and old, are there 24/7. Volunteers are always there to support Ontarians in need. They provide comfort to those living with AIDS through projects like the Canada Africa Community Health Alliance, which offers skills and resources to those suffering from that dreaded disease. They provide food and clothing for the homeless through programs like Out of the Cold in Toronto. They bring music and laughter and friendship. Volunteers give generously of their time and skills and they make a positive difference in virtually every aspect of community life. From culture and education to health care, social services, sports and the environment, their contributions improve the quality of life for all of us.

The people of Ontario have an impressive tradition of volunteerism. According to the most recent statistics, 2.4 million Ontarians donate over 390 million hours each year to 45,000 charitable and non-profit groups. Ontario's volunteers give generously because they believe in the spirit of helping others and they are committed to making their communities better places to live. In this way, they help build a civil society and strengthen the social fabric of our great province.

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To help observe this special week, National Volunteer Week, I will be hosting a volunteer service award ceremony this Thursday evening, April 27, in Scarborough, one of the 40 such events held in communities across Ontario to recognize and thank over 8,000 local heroes every year. This year marks the 20th anniversary of the province's volunteer service awards. I am proud to say that since this program was created in 1986 under Premier Peterson, the government of Ontario has awarded approximately 100,000 volunteers for countless years of service. This program will honour another 8,000 in communities like Aylmer, London, Owen Sound and Atikokan.

Many members of the Legislature have participated in these remarkable award ceremonies and I encourage them to continue to partake in their local events. Volunteering is the bedrock of Ontario communities. It is an intrinsic part of who we are. Volunteers began the earliest hospitals, they began the earliest homes for the aged and other health and welfare agencies. Today's volunteers are continuing this proud tradition of giving. More than nine out of 10 Ontario residents make annual donations to charitable organizations totalling more than \$2 billion. Three quarters of Ontarians give clothing or goods and more than half donate food.

Volunteers are leading Ontario in the present and they are making a brighter future possible. They build better neighbourhoods and a better Ontario. They show commitment, passion and excellence and they empower

others to reach their own potential. Like Craig Kielburger and Free the Children, they have turned idealism into action.

The sense of responsibility that Ontario's volunteers show for the well-being of fellow citizens and for the betterment of society must be continually recognized and nurtured. That is why I urge my colleagues to join with me this week to show Ontario volunteers that we truly care and value their contributions. Thank you to all of Ontario's incredible volunteers.

#### PUBLIC TRANSPORTATION

**Mr. John O'Toole (Durham):** It's a pleasure to respond to the Minister of Transportation. I would start by saying a promise is a promise is a promise. It's like that Liberal expression that proof is a proof is a proof. Mr. Speaker, you would know that technically this has been announced four times. That is a record to date. It's been over two years. I would say to you that on this side of the House we're quite surprised—in fact, we're happy—with this announcement on two fronts. First of all, it's unusual for the Liberals to keep a promise. But we're not sure of that just yet, until all of the numbers are in. On the second part, when in government, we committed \$40 million to this very same initiative. So the question becomes then, what took so long?

I understand the minister has been busy with the Integrity Commissioner, and there may be other excuses. But we will keep a close eye on this file because if you look at the governance, it's very strategically structured to isolate Durham region. In fact, if you look at this announcement, there's nothing here until 2010. In fact, there's a lot of fluff and no substance. It is a typical Liberal charade. We'll have to see. On the five-year capital, to date Durham region has been ignored, and they are but one voice on the overall committee. If you look at the bill itself, you'll see that sections 5 and 6 substantiate what Gord Perks, a well-known lobbyist on public transit, called tinkering.

There's more work to be done on this file. What's taken so long?

#### VOLUNTEERS

**Mrs. Julia Munro (York North):** I'm pleased to respond to the message of the Minister of Citizenship and Immigration. First of all, on behalf of John Tory and the PC caucus, I'd like to welcome Craig Kielburger to the Legislature and congratulate him on the fine work he has done in the past few years. In recognition of volunteer week, I would also add my thanks and acknowledge all the volunteers across the province who devote their time and effort to volunteerism in their communities. I would also like to particularly thank the volunteers in my riding of York North, who give so much of their time and energy to make our community a better place to live.

Currently, there are over 7.5 million volunteers in Canada, involved in 180,000 not-for-profit organizations.



These people are committed to improving the quality of our lives. They are found assisting seniors, organizing fundraisers, teaching English as a second language or volunteering for a political party. In my riding, thousands of volunteers contribute to hundreds of organizations.

This week honours those who make a difference: people like Bob Doutre of the Kinsmen, whom I helped honour as a life member this past Saturday, the same night I joined the Pepperlaw Lions as they celebrated their 50th anniversary of service to the community.

Many will tell you that they volunteer to take on new challenges, share knowledge and abilities and also have fun. I believe it is very important to recognize our volunteers, because they are the key players in holding together the fabric of our communities.

### EMPLOYMENT SUPPORTS

**Mr. Tim Hudak (Erie–Lincoln):** On behalf of the PC caucus, I'm pleased to respond to my colleague the Minister of Community and Social Services.

We're always very pleased to hear about the success of the work-for-welfare policies instituted by the Mike Harris Conservative government in the province of Ontario. We agree fundamentally that the best social program is a job. When people move from social assistance to the workforce, that is worth celebrating, as they bring home a paycheck, raise their families and move on to buy a home and invest in the local economy. In fact, our success was some half a million individuals who left the welfare rolls under the Mike Harris government, and we hope this trend will continue with the new government.

I remember—I'll point out the irony—that when my colleagues opposite were on this side of the House, they decried the work-for-welfare policy and said they were against work for welfare, but now, on that side of the House, they have embraced work-for-welfare policies in a responsible manner, and I congratulate them for that.

I certainly hope these individuals will be the beginning, and those who worked in Cornwall, Kitchener-Waterloo or Niagara or the thousands of individuals in the forest industry sector, who are now without jobs in Dalton McGuinty's Ontario, will see a turnaround so they can get back into the workforce.

Eighty thousand lost manufacturing jobs in Dalton McGuinty's Ontario is nothing to boast about. I say to my colleagues opposite: Reduce taxes, get hydro rates under control and control government spending, and those jobs will return to our province.

### PUBLIC TRANSPORTATION

**Mr. Peter Tabuns (Toronto–Danforth):** I rise to respond to the introduction of the Greater Toronto Transportation Authority bill by the Minister of Transportation.

As you know, this initiative has been waited for for a long time. We recognize that an initiative to integrate transit systems can contribute significantly to getting

commuters out of their cars. If we want to deal with smog and congestion, we're going to have to get those commuters moved on to transit. But it's not clear to us at this point whether this bill will actually make the difference that needs to be made. As all members of this House know, the devil in these matters is always in the details.

So I look forward to analyzing the legislation that has been put before us. I want to see if the lessons that have been learned from both the successes and failures with regional transit authorities in other jurisdictions have been recognized and incorporated in the bill. I want to see if the lessons from Ontario's own past have been incorporated in the bill. As you know, the Conservatives in the past tried to create a regional transit authority that failed for a number of reasons, one of which was a lack of power for that authority that effectively left it without the ability to act.

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In this announcement today, we're told that the GTTA will have the ability to develop and submit an annual capital plan and an investment strategy. If this legislation, however, is to succeed, the province needs to reassume its role as a prime funder of transit in the GTA, in Ontario. Otherwise, this legislation, standing on its own, is not going to change things.

As you know, since coming to power, the McGuinty Liberals have not taken up the responsibility of adequately funding municipal transit in the GTA; they have not taken on the responsibility of adequately funding GO Transit. If we are to have transit that takes people out of their cars, puts them on rail, puts them on buses, puts them on subways, then we will have to see an introduction of funding that will take a fairly empty shell and make it something that will actually have an impact.

### EMPLOYMENT SUPPORTS

**Mr. Michael Prue (Beaches–East York):** I rise in response to the Minister of Community and Social Services. Like you, Madam Minister, I rise to salute the indomitable spirit of those who seek full-time jobs and those who are actually successful enough to find them. But I wonder where this government gets off trying to take kudos for what you do. Certainly, I can see that the municipalities that have been involved have done what they were supposed to do, I can see that the chambers of commerce have done what they are supposed to do, but you took the initiative to contract out your responsibilities to a private firm, WCG International, which through its own organization and its own PR firm, Artemis, goes around telling us about the job that they do all the time. I will tell you, you have absolved yourself of your responsibilities and in fact you have bypassed the very municipal and community-based agencies that, before this, were doing an excellent job.

What success have you really had as a government or has WCG had as an agency? They don't do the work; all they do is broker the work. They give it to the municipalities, they give it to the community agencies, they take their fee for doing it. That's what they do in Peel region.



They have a success rate that is almost identical to that of the community agencies they replaced: 13.5%. So from the 2,000 people who found work, we have to surmise that about 13,000 or 14,000 were not helped at all.

I don't know how much this company gets paid here; I haven't been able to find out yet. In British Columbia, they saved about \$18 million from welfare payments, but the British Columbia government paid them \$31 million to do it: a loss of \$13 million to the taxpayer.

The reality is you have tried to reinvent a program that was working very well with community-based and municipal agencies, and in the end all that has happened is that you are helping the same number of people. You're having no greater success, but it's costing the taxpayers a bundle in the process.

### VISITORS

**Hon. George Smitherman (Minister of Health and Long-Term Care):** Mr. Speaker, I think all members of the House would want to join with me in offering a very warm welcome to the Ontario Medical Students Association, affiliated with the Ontario Medical Association.

### ORAL QUESTIONS

#### NATIVE LAND DISPUTE

**Mr. John Tory (Leader of the Opposition):** My question is for the minister responsible for aboriginal affairs. As the minister knows, we were given a briefing this morning by senior public servants concerning the Caledonia situation, which we appreciate. We noted then, as I would note now, the steps forward that were achieved over the weekend, with hopefully much more to come as soon as possible.

We know that your office had correspondence a year ago bringing this matter to your attention. We learned in the briefing this morning that there had been information pickets present on this site some time ago—last fall some time. We know that the occupation began on February 28 and that there was an interministerial committee established that day. Of course, the occupation has now been going on for more than 50 days. We were also told this morning, however, that direct negotiations involving senior officials of the government began only 10 days ago, and this was months after you got a letter, months after the first information picket on the site, which should have indicated trouble was coming and so on.

Why the delay on the part of yourself and the Premier, when an earlier start to negotiations might have led to less tension and to an earlier resolution to this very serious matter?

**Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs):** I'd like to thank the Leader of the Opposition for attending the briefing this morning, as did the member from Parry

Sound—Muskoka and the member from Timmins—James Bay. You understand, as we do, that it's a very serious matter.

I would say to the member that over the last two years, both the federal government and the Ontario government have established a process to resolve these issues with the Six Nations. We called it the exploration. We explored what we are classifying as an accounting claim, to see if the land, as it was disposed of over the years, was properly accounted for to the Six Nations community, as had been promised in the original proclamation. That has been ongoing and, in fact, has made some great progress over the last six months. What really happened was that a faction of the community lost patience with the progress of that process and acted out as we've seen from the newspapers.

**Mr. Tory:** To the minister again: I had the opportunity to visit the area again this morning and speak to the local officials and to local residents. It's interesting and, I would say, reassuring that the predominant sentiment among those I spoke to is the hope that the relationship that has evolved over hundreds of years between the First Nations people and the other residents in the area won't be impaired by this series of events. I think we all would share that hope.

Another theme from the people I spoke to this morning—average people, in one place or another, who are down there—is that they feel they don't have very much real, hard information. They see certain things in the media and so on, but they don't really know who is talking to whom and what's going on. The local government, as you know, is not really at the table. While I know you have been in touch with them, they're really dealing with second-hand information.

Aside from what I know the OPP has done, and I commend them for it—going from door to door in the immediate area around the occupation—could you tell us what steps you have taken—I think they're very few in number—and what steps you will take in order to make sure that the people who live in this area, broadly speaking, are properly informed of what is going on and can receive that information with a certain sense of reassurance and so on? What are you going to do to better inform them?

**Hon. Mr. Ramsay:** I do appreciate the tone of the questioning from the Leader of the Opposition. I'd like to say to the member that today, Mayor Trainer and council will be receiving a full briefing, as you did today, about the situation. I have been keeping in constant contact with her, and we feel that a full briefing before her and council will help with that.

You have also outlined some of the other steps that are being taken. Representatives of the OPP have been going around trying to assure some calm with the residents, whose lives have obviously been disrupted. Understandably, people are concerned and emotions can run high, and we are concerned about that. So they're going door to door to residences and businesses to inform them of what is going on, because we want everybody to know



that everybody is working around the clock to solve this situation.

**Mr. Tory:** I think the minister helped make the point of my final supplementary, because the OPP, in going around from door to door, can really only address security concerns, if I can call it that, or policing concerns. As the minister knows and made reference to, there is a public meeting tonight, organized by the local residents. I think we all hope that would be an opportunity for informed discussion, communication and understanding.

In the briefing we had today, one of your senior officials indicated that he would indeed be briefing the local council this afternoon but that nobody from the Ontario government would be present at the meeting of residents tonight. I asked in particular whether that meant both public servants and elected officials, and he indicated that he could only speak to the fact that there would be no public servants there, but I'm assuming there won't be any elected officials there as well.

In light of the importance of this being a constructive, informative kind of meeting with as positive an outcome as possible, will the minister commit that an elected official, preferably a minister, will be there to represent the government of Ontario and ensure that people at that meeting are given the kind of accurate, up-to-date information that is needed to ensure a successful outcome?

**Hon. Mr. Ramsay:** That's why we're having the full briefing with the mayor and the council this afternoon, so that the mayor can address this local rally she is going to speak to with full information about what is going on. As the member should appreciate, we are in a very delicate balance right now, and a delicate phase of this particular negotiation, and discussion is ongoing. I think that for an elected official of the government to come to a meeting or rally on just one side now could obviously tip the balance of this discussion. Up till now, the general meetings around the large table involved all the partners in this, and I think that is the way to carry on.

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#### PUBLIC TRANSPORTATION

**Mr. John Tory (Leader of the Opposition):** I should say it's not "one side" that's there tonight; it's the people who live there.

My question is to the Minister of Transportation. Can you confirm to the House today that there seems to be some discrepancy as to exactly how many times—I just want you to confirm that this is the seventh time you have announced the Greater Toronto Transportation Authority.

**Hon. Harinder S. Takhar (Minister of Transportation):** Let me tell you that what is really important is for us to develop a seamless, integrated transit system in the GTA area. Let me also tell you what we are not going to do. We're not going to have GTTAs like the GTSB that the previous government had. What we're also going to do is make sure this GTTA is going to work. That's what is really important.

**Mr. Tory:** Let's check the record: It's been announced in three budgets, two throne speeches and all the other announcements you've made at Union Station. Including today, it may even be eight or nine; I was trying to be conservative, as I should be, in saying seven.

There are no details on when this is going to be up and running. There are no details on how much it's going to cost. But what we can see from this bill and from your public statement today is that the single-fare system that you talk about so much will not be in effect for four more years. That will be seven years after the first of your seven announcements that you've made—seven years to actually get some progress on this.

Why can't you put a hurry-up on the single-fare initiative, not get it bogged down in all of your bureaucracy and so on, and get on with actually implementing something instead of just doing public relations announcements?

**Hon. Mr. Takhar:** What is really important here is to address the needs of the commuters. The population is increasing, and the previous government paid no attention to transit in this province. Those are the facts. I'm hoping that the Leader of the Opposition is going to direct his people and his MPPs here so that they will support this legislation, because it's important legislation. It's not important whether I've talked about this six times, seven times, eight times or maybe 1,000 times. What is important is that the people need to know that I've been moving on it and that the previous government didn't do anything for nine long years.

We are making investments and there's proof of that in our budget. This year we are putting \$670 million for our subway system, \$95 million for Mississauga Transit, and we are putting another \$95 million for Brampton Transit, so we are making real progress on this file.

**Mr. Tory:** Of course, this thing is so meaningful that you didn't even wait for it to make the announcements that you made in the budget. But let's talk about what you've done or, more importantly, what you haven't done. This bill provides for an authority to run GO Transit. We already had an authority doing that. All you've done is changed the name from the Toronto Area Transit Operating Authority to the Greater Toronto Transportation Authority. Knowing you guys, you'll spend millions on letterhead and new offices to accommodate that bureaucratic change.

It provides for certain procurement responsibilities and then after that—let's look at the words that are in the bill: "coordinating," "promoting," "coordinated decision-making," "advising," "working towards," "guiding." There's actually no power in there, no language to get anything done, to get any transit bill.

Why have you chosen to create an agency that will have no real power to get anything done and whose only specified project, the single-fare system, will take until 2010 to get implemented? People can't wait that long. You'll talk about it another 993 times.

**Hon. Mr. Takhar:** Let me tell you what is important here. We need to reduce congestion on our highways.



We're going to create a system that will be integrated, that will be seamless, and it will work.

Let me give you a little bit of a—maybe the Leader of the Opposition hasn't read the legislation yet. It is going to develop a long-term plan: It's going to developing a five-year rolling capital plan and an investment plan. We are moving on developing a fare card system. For nine long years, they didn't do any damn thing on that, but we're going to have a fare card system. People will be able to move from Hamilton to Durham on a single fare card. We're also going to set up a transit procurement agency so that all the municipal systems can actually save money when they're procuring those buses. So this is a great step forward and a great day for Ontario.

### NATIVE LAND DISPUTE

**Mr. Howard Hampton (Kenora-Rainy River):** My question is for the Acting Premier. Before last Thursday's use of force by the OPP at Caledonia, were there ongoing discussions and negotiations with First Nation representatives and had those negotiations or discussions broken down before the use of force by the OPP on the morning of Thursday, April 20?

**Hon. George Smitherman (Minister of Health and Long-Term Care):** To the minister responsible for aboriginal affairs.

**Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs):** There have been ongoing discussions between the two levels of government, and the chief, council and confederacy of the Six Nations. Obviously, there have been discussions with the developer involved and the eight contractors supporting the developer on the development of that community there, that subdivision, besides the long-range processes that have been up and running for the last two years to deal with the land claim issues.

**Mr. Hampton:** The reason I ask is because this is a copy of the framework for police preparedness for aboriginal critical incidents. It talks about promoting and developing strategies that minimize the use of force. It says that where there is "colour of right"—in other words, a potential land claim by First Nations—the OPP are to emphasize that negotiations will be used at every opportunity and communicate that all people will be treated with respect. So if discussions and negotiations were continuing, have you asked those in charge of the OPP why they would resort to use of force, when their own document says that they should promote discussion and negotiation?

**Hon. Mr. Ramsay:** I'll refer this to the Minister of Community Safety.

**Hon. Monte Kwinter (Minister of Community Safety and Correctional Services):** You should understand that this is a two-track situation. You're absolutely right: If it is a matter of negotiating treaties, land claims and things of that kind, there is a framework in place. You have to understand that there is another track, and that track was a private individual, a developer, who

bought the land 15 years ago. He had title to it and a certificate from the province of Ontario guaranteeing that title, and found that someone was actually blocking him from accessing his property. He went to the Superior Court of Ontario and got an injunction. That injunction ordered the OPP to remove these people from the site. The OPP used great restraint. They waited and waited, and from an operational point of view made the determination that this was the time when they had to act. I can't second-guess that, but this was a separate issue dealing with the injunction that was authorized by a Superior Court judge in Ontario, which directed and ordered the OPP to act on it.

**Mr. Hampton:** With respect, the minister hasn't answered the question. Did you ask the Ontario Provincial Police why they resorted to use of force in a situation where discussion and negotiation were continuing, where their own protocol says that where there is "colour of right" by aboriginal people, where they may have a legitimate land claim, that discussion and negotiation are to be used and use of force is to be avoided? Did the OPP discount the colour of right? Have you asked them that? If you haven't, you ought to ask them that. Please tell us the answer.

1450

**Hon. Mr. Kwinter:** I should say that the member was invited to a briefing today and the OPP was there. He didn't show up, but it hasn't stopped him from asking this question.

I should tell you again, and I said it in the response I gave previously, there are two tracks to this. If, in fact, this was strictly an issue where there was a land claim and a dispute on that point, you're absolutely right: That was going on and those discussions were going on. But we have this added component, and that is a developer who went to a Superior Court judge and got an injunction, and that injunction said, "You OPP are ordered to remove those people from that site." So they had that direction. It wasn't a matter of following—if this were a simple land claim and they were suddenly moving on it. This was a directive from a Superior Court judge, and they decided—not only decided; they were given the order to do it, and they did it.

**The Speaker (Hon. Michael A. Brown):** New question?

**Mr. Hampton:** My next question is again to the Acting Premier. What is puzzling about this is, here we have a situation where the McGuinty government clearly could have headed off a serious situation. What we see now is, after there's been an altercation, a mediator has been appointed to hold discussions. What the First Nations want to know is, why wasn't there this effort towards mediation; why wasn't there this effort to understand the point of view; why wasn't there this effort to resolve this situation before the OPP resorted to use of force?

**Hon. Mr. Smitherman:** To the minister of aboriginal affairs.

**Hon. Mr. Ramsay:** I think I'd like to reiterate the invitation that we did give the leader of the third party,



who didn't attend the briefing. I acknowledge the other members who did because, to get a full understanding of this—but if the member wants to do this in question period, we can do it in question period. I think what's important for the member to realize is that there was a full engagement over the last two years on this issue between both the federal and the provincial governments and the duly elected chief and council of the Six Nations.

There is an issue here, and we've been working on it. If you ask Chief David General, he would tell you that there has been great progress made over the last six months, and it was only when a group in the community became impatient with the progress of the process that this occupation started. But we have been engaged with this, and want to resolve this with the community.

**Mr. Hampton:** With all due respect to the minister, your briefing today, which was attended by our staff and our representatives, really didn't answer the question that I'm asking you here. You knew about the seriousness of this situation for over the last year. The warning signs were all there. But there was no mediator appointed. Things were allowed to drift along. No leadership was shown. Then you get yourself into a situation where the OPP, despite their own protocol, enter into and use force in a situation where at the same time you're trying to say to First Nation leadership, "Let's discuss and negotiate." Tell me, what message should anyone take if, on the one hand, you're saying, "Let's discuss and negotiate," but not much is happening and, on the other hand, the OPP is using force?

**Hon. Mr. Ramsay:** All I can do is reiterate for the leader of the third party that this process, called the exploration, comprised of the two levels of government and the elected chief and council of the Six Nations, had been steadily working over the last two years and made great progress over the last six months. This exploration has published a document called Six Miles Wide. That is a reference to the original land grant that was made by the crown to the Six Nations of land, six miles either side of the Grand River, along the length of it, from Lake Erie all the way to Orangeville, and the rules and regulations in regard to that. What's in question is, was the appropriate crediting of the disposition of that land made to the Six Nations or not? We're all involved in that. We've made great progress on that and we continue to make progress. Hopefully out of this, we will expedite that process and get this resolved once and for all.

**Mr. Hampton:** With due respect to the McGuinty government, when thousands of travellers cannot get between Montreal and Toronto on the VIA Rail line, when you've literally got tasers and pepper spray being used in an altercation at Caledonia, where people are being arrested and where force is being used, that doesn't sound like progress to people.

It seems to me that the McGuinty government needs to show some leadership here. You have had over a year to appoint a mediator and get down to brass tacks. Why did you allow this situation to disintegrate to the point where the OPP are using force once again against aboriginal

people, but then the day after that happens, you suddenly find the will to appoint a mediator? Can you explain that to people?

**Hon. Mr. Ramsay:** What the member has to understand is how complex an issue this is. I would ask the member to think about this: It's not like a labour negotiation: one side versus another side. There are at least six parties to this dispute that have to be brought into this. It is very complex. So we're working with all the parties. I think you'd have to understand that the province has taken a leadership role even though land claims, as you know, are primarily a federal issue. But we have appointed the mediator. We are making sure that the talks take place. We have our own negotiator there also, as does the federal government. I was in Ottawa today talking to the federal minister to keep him apprised of what we've been doing there and make sure we're working together to resolve this. We are working together and we are going to resolve this.

**The Speaker:** New question.

**Mr. Garfield Dunlop (Simcoe North):** My question today is for the Minister of Community Safety and Correctional Services. I'm confident that you, as the minister responsible for the Ontario Provincial Police, are briefed each day on the situation at Caledonia. Minister, my question is fairly simple; it's not complex like some of the questions the minister just responded to. My question is, how much does it actually cost on a daily basis to have the OPP at Caledonia?

**Hon. Mr. Kwinter:** Operational issues with the OPP are the responsibility of the commissioner of the OPP. The commissioner does not check with me to see if they're spending the right amount of money or anything else. Any questions of that kind should be directed to the OPP. This is an operational issue for them. The commissioner deploys her personnel in a manner that she and her executives deem to be appropriate. Whatever costs they have, they have to deal with that in their budget.

**Mr. Dunlop:** It's interesting to hear you answer the question that way. When we asked a couple of weeks ago, when we called the OPP, it was someone from your office who responded to our call.

Minister, a week ago in this House I pointed out to you that the expenditure estimates for this year indicated that the field and traffic services of the OPP had to be slashed by some \$31.3 million. You denied this. The Caledonia crisis has created a huge drain on the OPP budget. Officers from across the province have been sent to Caledonia, leaving serious gaps in the staffing at their home detachments, things like overtime at the home detachments. My question is very simple: Are you prepared to allocate additional emergency funding to the OPP, and if so, how much funding would you allocate?

**Hon. Mr. Kwinter:** The OPP have to be prepared for many, many contingency things that happen. This is part of their responsibility and part of their operation. Again, the commissioner has the responsibility to allocate her personnel resources, the people, the manpower, in a way that will provide security and safety in the best interests



of the public. I do not interfere with that particular aspect of her job. I can tell you we have increased the funding to the OPP regardless of what you feel about it. I can tell you that if you take a look at the budgetary estimates, they'll show you that. I can tell you that in my regular communication with the commissioner, there has never, ever been a question raised about inadequate financial resources.

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#### KASHECHEWAN FIRST NATION

**Mr. Gilles Bisson (Timmins-James Bay):** My question is to the Acting Premier. You would know that there is currently another crisis in Kashechewan, this time another spring flood. What is troubling—I was contacted by one of the media outlets yesterday and I've checked this out: Yesterday, in attempts to get up to Kashechewan, this particular media outlet, MCTV of Timmins, was actually being hindered by EMO staff. What is more troubling is that it was confirmed this morning by chief and council that EMO staff at the briefing yesterday in the town of Kashechewan was trying to encourage the community to keep the media out. Is it the policy of this government to keep the media out of a situation like that?

**Hon. George Smitherman (Minister of Health and Long-Term Care):** The Minister of Community Safety.

**Hon. Monte Kwinter (Minister of Community Safety and Correctional Services):** The member will know that last year at exactly this time when there was a flood, I flew up to Kashechewan with a media person—on your airplane, though. It was on your airplane. You have to understand: This is an operation where there are evacuations taking place going to Greenstone, Cochrane, Timmins; there's flooding.

The ability of the media to go up there is their responsibility. It is not the responsibility of the EMO to accommodate media people there. That doesn't mean they can't go, but they have to make their own arrangements to get there.

I'm sure you know better than all that it's a very, very difficult situation because of the weather at the moment. The airport is flooded in Kashechewan; the road to the airport is flooded. They're going by helicopter from Kashechewan to Fort Albany. It is a major operation, and the last thing that EMO needs to do is to also take responsibility for moving media around.

**Mr. Bisson:** My question is not asking EMO to organize the transportation of journalists; they know how to do that themselves. That wasn't the question. The question is, is it the policy of the EMO now at this point to try to keep the media out once they get in the area? That is, first of all, what the media has told me, but it is also what the chief and council have told me yet again, and I've confirmed it two or three times to make sure. So my question to you is a simple one, back to the original question: Is it the policy of the McGuinty government today to keep the media out of situations like Kashechewan?

**Hon. Mr. Kwinter:** The answer is a very simple no. But you have to understand, at the present time the only way into Kashechewan is by air and the only way to really get in there is by helicopter. Again, the last thing they need when they're using these helicopters to transfer evacuees from Kashechewan to Fort Albany and then to Timmins, to Cochrane, to Greenstone, is to have another aircraft out there that has no reason to be there other than they want to cover this thing from a media point of view. That is their responsibility. EMO also has a responsibility, and they have to determine whether or not this is something that is going to complicate their operations.

#### POST-SECONDARY EDUCATION AND SKILLS TRAINING

**Mr. Dave Levac (Brant):** My question is for the Minister of Training, Colleges and Universities. Minister, I know you've visited my riding and you know just how important Brant is to the provincial economic outlook. We're within the boundaries of Places to Grow; we're located in the hub of a transportation system. We're a prime geographic area for development and delivery of goods. The downtown core is undergoing a dramatic revitalization led by the institutions offering post-secondary education, not only to the residents of Brant but to many individuals and students from around the province looking for very specialized courses that are offered in Brantford.

We have newly arrived companies like Procter and Gamble, Ferraro, Maidstone, Chiporana and many others. Just around the corner from us is the expansion of Toyota Canada. The new companies that are being attracted to Brant and Brantford are looking for skilled workers. Minister, would you tell us, as a government, what we're doing to assist employers in finding workers who have the right skill sets to support and encourage this exciting new growth in my riding?

**Hon. Christopher Bentley (Minister of Training, Colleges and Universities):** I'd like to thank the member for Brant for all the work that he's been doing in advising this government about not only the great business opportunities that are developing in the Brantford area, which, as he says, are key to the economic growth of the region, but also on the specific training and educational needs of those workers: how we can make sure that the community itself develops its appropriate set of workers.

We have some initiatives through the labour market development and labour market partnership agreements that have been recently signed by this government, the first time ever that we have those, and we are working with communities such as his right now on how to make sure that those investments accrue to the benefit of workers locally. I've been speaking with the member about projects such as phase 2, the Heritage Block, and phase 3, in determining what will best meet the skills development needs of the community and the businesses in the region.

**Mr. Levac:** Minister, thanks for the clarification. I'm glad you brought up those projects that are coming. I



know you've been informed of recent inferences by some individuals about the role the province should and could play in the Brantford Centre for Post-Secondary Education—a Wilfrid Laurier University/Brantford/Mohawk College/city of Brantford/Grand Valley Educational Society proposal. I find it interesting that, even within the stakeholders' groups, there seem to be individual interpretations of what role the province should play and does play. We want no more speculation, Minister.

Quite clearly, I am interested in the direction of this government with respect to post-secondary education and the skills development groups and trades in my riding. Minister, I know that you and former ministers have toured the sites right there on campus and met with various stakeholders of all the groups that are concerned about growing Laurier-Brantford in my riding.

Would you please state clearly what took place at those discussions and commitments and what commitment the province made on phase 2 of the Brantford Centre? I appreciate a direct answer.

**Hon. Mr. Bentley:** I applaud the initiative of the people in the community of Brantford and the surrounding community for the hard work they've been doing in developing post-secondary education institutions in the community.

No, the province did not commit to directly fund phase 2, but is the province there? Absolutely. First of all, approximately six years ago, there were no university students in the community of Brant. Now, through the Laurier-Brantford project, there are 1,400. Who funds those? The province of Ontario funds those students.

Mohawk-Brantford students are in the community—900 of them. Who funds those? The province of Ontario.

The institutions which join together to develop further capital projects, both Mohawk and Laurier, have been funded in their own home bases through capital projects of the province of Ontario, enabling them further capacity to build in Brantford. We're there in a big way, and we'll continue to be.

#### COAL-FIRED GENERATING STATIONS

**Mr. John Yakabuski (Renfrew-Nipissing-Pembroke):** My question is for the Minister of Energy. Given the fact that the Premier admitted last week that your coal replacement plan is not working, describing natural gas as "volatile" and wind as "expensive and unreliable," why have you refused, while other jurisdictions have taken advantage of technologies available to them with regard to clean coal power, to even consider this clean, reliable, economical source of electricity for the province of Ontario?

**Hon. Donna H. Cansfield (Minister of Energy):** There is no technology for clean coal. There's technology for cleaner coal. There are four types of technology: Endopipe, which is your scrubbers; the second is fluidized or supercritical, which is just as expensive as or more expensive than many and gives you the same emissions as natural gas. The third is integrated gasification

combined cycle currently used in chemical and rarely used in electricity. The final is zero emissions, which is totally theoretical and doesn't exist, except in the laboratory. So there is no such thing as clean coal. There is cleaner coal technology, but we still have to deal with CO<sub>2</sub> emissions, mercury emissions and toxins.

We have made a decision. Our commitment is firm. There is no question that in the integrated supply mix they have looked at the issue of gasification in the future. When the technology's improved and there's a possibility of that being applied in an economical way for the people of Ontario, I'm sure the Ontario Power Authority will consider it.

**Mr. Yakabuski:** Minister, given your own response that it was as good as natural gas, equal to natural gas in your own statement, the fact that your replacement of natural gas is not adequate and wind is a dream, and the fact that last year we produced record amounts of power from coal-fired stations and imported record amounts of coal-fired power from the United States, how do you square it with the environmentalists in this province and in your caucus that, on one side, you condemn the use of coal, but on the other side you have refused to invest one nickel in the technologies available to clean up our own coal plants while you continue to run them, and it is very likely that we will continue to run them long before your coal closeout deadline? Why will you not invest in cleaning up those coal plants on behalf of our environment?

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**Hon. Mrs. Cansfield:** I would say to the member that I indicated the same emissions as natural gas. I understand that he may have wanted to have the same dream that we have of clean, green, renewable energy. Too bad you didn't have that dream. As a matter of fact, what you dreamed instead was how to reduce the power in this province by almost 2,000 megawatts before we turned things around and put a plan in place that's going to make a difference for the people of Ontario.

We've made a commitment to get rid of dirty coal plants. That commitment is firm and we're moving on. I've given the member the answers around the cleaner coal technology. There is no question that there are jurisdictions around the world that are looking at this technology. As a matter of fact, two of them are in Canada; here just outside of Ottawa, where they're looking at that technology.

We've just invested \$4 million to go into research and development to look at alternatives in biomass. We know that there are opportunities out there. It's too bad you didn't have a chance—

**The Speaker (Hon. Michael A. Brown):** Thank you. New Question.

#### GASOLINE PRICES

**Mr. Gilles Bisson (Timmins-James Bay):** My question is to the Minister of Energy. Can you explain to me what international factors caused the price of gas in the



city of Timmins to go from \$1.08 Saturday to \$1.40 Sunday morning and back down to \$1.08 Sunday afternoon?

**Hon. Donna H. Cansfield (Minister of Energy):** What I can say to the member is I'm thinking, what an opportunity we have here now that we have Mr. Flaherty in Ottawa—Mr. Flaherty, who at one time challenged Ottawa to freeze the gas tax the way Ontario had.

**Interjection:** Really?

**Hon. Mrs. Cansfield:** Absolutely. We're suggesting maybe he could take his own advice. Also, Mr. Flaherty called the GST "a galloping tax on gasoline that was unfairly tied to rapid price measures." I think that maybe you and I could go to Ottawa and see Mr. Flaherty. Let's see what we can do to make a difference about those rising prices in Ontario.

**Mr. Bisson:** Minister, why don't—

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Order. We can wait.

**Mr. Bisson:** Minister, why don't you try tapping the shoulders of people like Michael Colle in the Liberal caucus, Mr. Bartolucci in the Liberal caucus, Mr. Crozier in the Liberal caucus, Mr. Bradley in the Liberal caucus—all the Liberals who in opposition said they wanted to do something when they got to government? And you want me to go and lobby James Flaherty? Come on, it goes fast. I asked you a question, and the question was very simple: What happened internationally to allow the price of gas in Timmins to go from \$1.08 Saturday night to \$1.40 Sunday morning, only to drop by 30 cents two hours later? What international pressures did that?

**Hon. Mrs. Cansfield:** I'm sure the member reads the same newspapers that I read, and he's well aware of the international pressures that are out there dealing with Iraq and the US. So I know that he's asking the question because he really wants to come with me to Ottawa so that we can make a difference in terms of that GST.

But he also is well aware that in fact it is the responsibility of the federal government and not the provincial government, and that in fact there's also the Competition Bureau. Now, the federal government itself identified the Competition Bureau as having the responsibility, that they were the ones who were going to oversee, they were the ones who were going to investigate. That same Competition Bureau indicated that if they could find any differences in what was reviewed in the United States or what was reviewed in Canada, they would be prepared to look at it once again.

So again, I suggest to the member that I'd be more than pleased to go with Mr. Bisson to Ottawa to raise—

**The Speaker:** Thank you, Minister. New question

#### RENEWABLE FUELS

**Mr. Vic Dhillon (Brampton West—Mississauga):** My question is to the Minister of Energy. More than 15 years of neglect and cancelled energy projects means our existing power sources are aging and may soon provide less power than we need. Some, like coal plants, are just

bad for our people's health. I know our government is turning this sorry situation around. In the past few weeks, you've drawn the attention of the House to three wind projects which are providing clean power to our province.

Minister, citizens in my riding are counting on our government to ensure that we have enough safe, clean and reliable electricity in Ontario to meet the province's needs, and they're prepared to see their community play its part. Can you tell us some other steps being taken to ensure Ontario has enough power, and power that is clean and sustainable?

**Hon. Donna H. Cansfield (Minister of Energy):** I'd like to thank the member from Brampton—Mississauga West. He's right: We have announced a number of wind projects that are clean, green and renewable. But also today, I had the opportunity to be very close to where the member's riding is, and that's where we introduced the Britannia Road landfill gas plant. Enough megawatts are being produced at that gas plant that would actually deal with the power needs not only of the water treatment plant but also of the town of Streetsville. Again, it's another opportunity where, right in a local community, distributed energy—we can look at the needs that are there in the community and use an existing landfill site. Instead of burning off that methane into the air where it's causing huge emissions, we've now captured it and are producing energy from it. I have to say the region of Peel, Enersource in Mississauga and certainly the proponent all worked together over a good number of years to make sure this has happened. The bonus: There's a golf course right on top of it all.

**Mr. Dhillon:** Thank you, Minister. I'm glad you shared this example of how people in my region can help provide renewable energy to meet our needs and the needs of our province.

Minister, can you tell me what you see as the benefits of this project, from both an environmental and an energy perspective?

**Hon. Mrs. Cansfield:** Again, I thank the member. One of the most important things is the reduction of emissions into the air. The other is to be able to use a local energy source for the local people. We have had over 19 projects that have been agreed to by the Ontario Power Authority. We have announced a significant number of those. They include biomass. The Lynn cattle biogas digester is going to be up and running soon, not only for that farm, but also for that local community. The Britannia landfill is another example; Eastview landfill; Melancthon, up in Shelburne; Erie Shores—99 turbines. I'm sure that the member, Mr. Barrett, was thrilled to have \$186 million go into his community, when that land—

**Hon. Joseph Cordiano (Minister of Economic Development and Trade):** Is that Toby Barrett?

**Hon. Mrs. Cansfield:** That's right. That's Mr. Barrett's community.

It was amazing that what we've been able to do by shutting down the coal-fired plants is reduce the emissions and have cleaner air not only for ourselves and



our children, but for our children's children. They are up. They are running. I'll take you to show you. Those turbines are phenomenal.

### NORTHERN ECONOMY

**Mr. Norm Miller (Parry Sound–Muskoka):** I have a question for the Minister of Northern Development and Mines. The city of North Bay is facing serious fiscal challenges and your government is not helping. In fact, you don't even seem to know that North Bay exists. The Premier recently visited North Bay, and I'll quote from the North Bay Nugget after his visit: "Premier Unprepared for Visit: McGuinty Vague with Answers, Calls City by Wrong Name During Stop."

Minister, councillors are talking about massive cuts to city services because of shortfalls in provincial funding. Why are you ignoring the city of North Bay?

**Hon. Rick Bartolucci (Minister of Northern Development and Mines):** Well, let me tell you that the area of Parry Sound–Muskoka should be represented as well as the area of Nipissing–North Bay. North Bay—and all of northern Ontario—is very much on the radar screen of this government. Let me just highlight two projects that I believe are very important and that were advocated quite aggressively by Monique Smith, the member from North Bay: There's the brand new hospital which is going to be built and, in the first round of COMRIF, a \$45-million water treatment plant. This government is committed to all of Ontario and we are showing by our actions that northern Ontario finally counts in a government in Ontario.

1520

**Mr. Miller:** Minister, I hate to disagree with you, but the North Bay city councillors seem to have a different perspective. In fact, they say your government is unresponsive to issues of provincial funding shortfalls for North Bay, and I'll quote from the North Bay Nugget. This is what the councillors say: "The city has been trying to draw provincial attention to the issue for the past two years."

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Stop the clock.

Member for Parry Sound–Muskoka.

**Mr. Miller:** "Little ground has been gained despite raising the concerns with Nipissing MPP Monique Smith and other provincial officials.... 'And we can't even get a phone call,' he said, noting the many meetings, phone calls and letters have gone unanswered."

The city is facing a \$4.3-million shortfall this year. When is the government going to respond to the calls for help from the city of North Bay?

**Hon. Mr. Bartolucci:** Let me continue what this government has done for the city of North Bay: 2006 Ontario municipal partnership funding, almost \$17 million; roads and bridges, almost \$4 million; 2006 gas tax allowance, \$975,000; COMRIF funding, almost \$15 million. The good news goes on and on and on—a new hospital, a

new water treatment plant, completion of the four-laning of Highway 11—all because we have a member from North Bay who believes that advocacy is extremely important, unlike the previous government and the government before, which turned their backs on North Bay, turned their backs on Sudbury, turned their backs on Kenora, turned their backs on all of northern Ontario. Finally, a government cares about northern Ontario.

### WORKPLACE SAFETY AND INSURANCE BOARD

**Mr. Peter Kormos (Niagara Centre):** A question to the Minister of Labour: Workers across this province have been waiting for the appointment of a new chair of the Workplace Safety and Insurance Board. Can the McGuinty government assure them that this government will not fill this important position with an unqualified, anti-worker, partisan appointee like unemployed Liberal Steve Mahoney?

**Hon. Steve Peters (Minister of Labour):** I thank the member for his interest in the WSIB, because we all recognize the important role the WSIB plays in looking after the needs of injured workers here in the province of Ontario.

As the member should well be aware, there was an advertisement placed in the Globe and Mail, engaging a process for the recruitment of a new chair of the WSIB. This was in keeping with the commitment we made as a government for more open and transparent processes in the appointment of important individuals in this province. An interview process has been undertaken, and I'm confident that the honourable member will hear an announcement in the near future.

**Mr. Kormos:** Minister, last year you assured this House that a new chair would be appointed by January in "an open and transparent process." Workers across this province are extremely frightened about rumours that the fix is already in, that Steve Mahoney has got the job. One thing he could never do is keep his mouth shut. Mahoney is not only a partisan selection; he's the author of the notorious "back to the future" report that called for rate cuts for bosses, no extending of coverage for workers and no compensation for stress.

Will you tell this House and workers across this province today, will you let them sleep well tonight and assure them that you have no intention of appointing this anti-worker Liberal hack as chair of the WSIB?

**Hon. Mr. Peters:** I thank the honourable member again for the question. For the first time ever in the province of Ontario, we have embarked on an open and transparent process of hiring the chair of the WSIB. It's never happened in the province of Ontario before. As well, I think the honourable member recognizes—I look at the correspondence that I've received from the honourable member—the various challenges that workers in this province are facing. Many of those challenges are a result of the Friedland formula that was implemented by the NDP government, which started to cut the benefits for



injured workers, and that was accelerated by the Conservative Party. We have forgotten about the damage that the NDP did to the WSIB.

My predecessor ordered an independent audit of the WSIB; the WSIB has moved forward on the implementation of those audit recommendations. We're trying to turn things around at the WSIB. We've been through the process. You'll hear very shortly of this—

**The Speaker (Hon. Michael A. Brown):** Thank you. New question.

## PUBLIC TRANSPORTATION

**Ms. Judy Marsales (Hamilton West):** My question is for the Minister of Transportation. The announcement today of the creation of the transportation authority, including the Hamilton-Toronto corridor, was welcome news to the people of Hamilton. The congestion on our highways costs Hamilton in lost economic opportunity and extra pollution as thousands of cars crawl down the highway day after day, in addition to the huge people cost. Can you please tell the House what the mandate of the transportation authority will be and how this will help my constituents? Also, as a sidebar, I would like to add Hamilton to the name, such as the greater Toronto-Hamilton transportation authority. Could you just explain that to us, please?

**Hon. Harinder S. Takhar (Minister of Transportation):** I want to thank the member from Hamilton West for asking this question. I also want to thank her and the other colleagues of mine from the Hamilton area who helped us actually come to this conclusion that Hamilton needed to be included as an important part of the GTTA.

For us, the key objectives for the GTAA are: (1) to improve service; (2) to make sure that congestion is relieved; (3) to make sure that there are no artificial barriers to travelling.

The key mandate will be that the GTTA will make sure that there's a long-term plan in order to address congestion. There is a five-year rolling plan for the capital and an investment plan for the capital so that we can address some of these important issues that have been ignored for a long time.

**Ms. Marsales:** Statistics show that we will have another 3.7 million people moving into our region over the next 25 years. The time is now to have in place a transportation system that supports this population growth. As population increases and we see more and more cars on our roads, the introduction of the greater Toronto-Hamilton transportation authority, which will integrate and coordinate transit systems, is certainly great news for commuters from Hamilton right through to Whitby.

Hamilton needs a regular, reliable, full-service GO train. Can you please explain to me what we as a government have done for Hamilton's public transit system since coming into office?

**Hon. Mr. Takhar:** I couldn't agree more with the honourable member that we need a transportation system

that is reliable, effective and efficient. That's why we are moving ahead with the GTTA, so that we can create an integrated public transit system that is seamless, by which people can go from one place to another in an effective and efficient manner, and so that it becomes a real choice to take public transit instead of using cars.

The other thing that we are doing is making sure there is one fare card system that people will use when travelling from Hamilton to Durham. They will also have the choice to go by rail, bus or highway when commuting from one place to another. At the end of the day, what we really want to make sure is that people travel from one place to another quickly and efficiently, that there's less congestion and that we can move goods effectively on our highway system. GTTA will go a long way for us to accomplish some of those objectives.

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## HIGHWAY CONSTRUCTION

**Mr. Jim Wilson (Simcoe-Grey):** My question is for the Minister of Transportation. Rather than restarting the construction of the realignment of Highway 26 between Stayner and Collingwood, which your government cancelled shortly after coming to office, your ministry announced last week that it will start a five-day engineering value audit. Your ministry staff are spending today in Collingwood and then they're going to spend the following four days at a Toronto hotel reviewing this project that you cancelled three years ago. They don't even have the courtesy to stay in a hotel in my riding or in the Collingwood area.

Having said that, Minister, can you confirm that this is true, and can you explain once and for all to my constituents why you cancelled the realignment of Highway 26 between Stayner and Collingwood, a mere 6.2 kilometres of road?

**Hon. Harinder S. Takhar (Minister of Transportation):** As the member said, the detailed design is on hold pending value engineering studies scheduled for spring 2006. It's important for us to make the right decisions. In order to make the right decisions, we need to do the value engineering study to see what are the most effective ways to do these kinds of projects, and that's exactly what we are doing. The detailed design eventually will be devised to incorporate the recommendation of the value engineering study, and the regional provincial approvals it requires will be obtained at that point in time. At least we are moving ahead on that project. There was nothing done on this project before.

**Mr. Wilson:** That simply isn't true. I'm going to send over via the page a sampling—

**The Speaker (Hon. Michael A. Brown):** We need you to withdraw that comment.

**Mr. Wilson:** Sorry; I withdraw that. Clearly, what you said is inaccurate. In fact, when I sent these cards out to the people in my riding, it contained a picture of the half-built highway. I gave a copy of that to you one day and I also gave a copy to your assistant deputy minister.



The fact of the matter is that this highway was started. It was approved in the 2000 budget and \$31 million was set aside. They call it the stealth freeway up there; it's only good for landing airplanes on at the moment. The fact of the matter is that it was half built. I don't know whether it was for partisan political reasons or just out of spite of some sort, but you cancelled it. In fact, in the summer of 2003, you took the construction vehicles off the highway. That's unfair. You're holding up thousands and thousands of jobs. You're holding up malls. You're holding up housing developments. This is an area that has lost over 540 manufacturing jobs in the last few months. It's been hard hit. Again I ask—

**The Speaker:** The question has been asked. Minister?

**Hon. Mr. Takhar:** If I heard the statement right, the member said that we took the crew off in the summer of 2003. I don't think we were in power in summer 2003, so I'm sure it's your government that did that.

In addition to that, I want to tell the member, and I hope he's aware of this, that we came across an issue. There's a graveyard along the way and we need to address that issue with the community before we can resolve these problems. I hope the member stays in touch with the community to see what the real issues are.

**Mr. Wilson:** On a point of order, Mr. Speaker: I wish to correct my record. The minister is right. It was the summer of 2004.

**The Speaker:** Thank you. New question.

#### NATIVE LAND DISPUTE

**Mr. Howard Hampton (Kenora–Rainy River):** My question is to the minister of aboriginal affairs. Minister, the Kitchenuhmaykoosib Inninuwug First Nation, otherwise known as Big Trout First Nation, has indicated that they are opposed to the Platinex mining exploration company operating on the traditional territory of the First Nation. Yet when the First Nation members protested and picketed this mining exploration company, the McGuinty government's response was to send in the OPP. The First Nation is asking the McGuinty government now, will you tell Platinex mining exploration company not to operate on the traditional territory of the First Nation until your government starts to meet its responsibilities to the First Nation under the Mikisew Supreme Court of Canada decision?

**Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs):** I refer that to the Minister of Northern Development and Mines.

**Hon. Rick Bartolucci (Minister of Northern Development and Mines):** As with the earlier case that was discussed, our ministry remains in contact with the community, and we will continue that contact and that dialogue. Certainly I'm not going to debate what actions are going to be used or what actions aren't going to be used at this point in time, but clearly that dialogue between my ministry staff and the First Nations community is an ongoing one.

#### PETITIONS

##### GASOLINE PRICES

**Mr. Jerry J. Ouellette (Oshawa):** I have a petition that reads:

“To the Legislative Assembly of Ontario:

“Whereas gasoline prices have continued to increase at alarming rates in recent months; and

“Whereas the high and unstable gas prices across Ontario have caused confusion and unfair hardship to Ontario's drivers while also impacting the Ontario economy in key sectors such as tourism and transportation;

“Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

“That the Parliament of Ontario consider an immediate gas price freeze for a temporary period until world oil prices moderate; and

“That the provincial government petition the federal ... government to step up to the plate and lower gas prices by removing the GST on gasoline products and fix the federal Competition Act to ensure consumers are protected and that the market operates in a fair and transparent manner.”

As I support it, I affix my signature.

##### BORDER SECURITY

**Mr. Bob Delaney (Mississauga West):** I have a petition to the Ontario Legislative Assembly from a group of citizens in the city of Mississauga who are fed up with the inaction of the federal Harper Conservative government, and it reads as follows:

“Whereas the United States government, through the western hemisphere travel initiative, is proposing that American citizens require a passport or single-purpose travel card to travel back and forth across the Canadian border; and

“Whereas a passport or single-purpose travel card would be an added expense, and the inconvenience of having to apply for and carry a new document would be a barrier to many visitors; and

“Whereas this will mean the loss of up to 3.5 million US visitors in Ontario, losses of \$700 million, and the loss of 7,000 jobs in the Ontario tourism industry by the end of 2008; and

“Whereas many of the northern border states in the United States have expressed similar concerns regarding the substantial economic impact of the implementation of this plan; and

“Whereas the safe and efficient movement of people across the border is vital to the economies of both of our countries;

“Therefore, be it resolved that we, the undersigned, respectfully petition the Legislative Assembly of Ontario to support the establishment of a bi-national group to consider alternatives to the proposed border requirements



and inform Prime Minister Harper that his decision not to pursue this issue with the United States is ill-advised.”

I couldn't agree with this petition more. I'm pleased to affix my signature to it and to ask page Philippe to carry it for me.

### SCHOOL CLOSURES

**Mr. Ernie Hardeman (Oxford):** I have here a petition signed by a great number of my constituents, primarily from the area of my riding called Kintore.

“To the Parliament of Ontario:

“Whereas the Thames Valley District School Board has created its five-year draft capital plan without school board trustee or public input (relying on questionable data provided by C. N. Watson and Associates Ltd.) and in doing so, targeted several rural, small-town and single-school community schools for closure as a means of reducing inventory, we ask not only that the Thames Valley District School Board be required to adhere to the 10-step capital planning process, but that the rural-urban diversity that exists within the board's jurisdiction (one of the largest in Ontario) be acknowledged and maintained.

“We, the undersigned, strongly oppose in principle the Thames Valley District School Board's proposal to close A. J. Baker Public School in Kintore, Ontario, as it is a vital rural school situated in a single-school community, and petition the Parliament of Ontario as follows:

“To ensure that the Thames Valley District School Board be held accountable for every step, followed or otherwise, in the 10-step capital planning process and for all recommendations that are out of sync with current Ministry of Education financial and philosophical support pertaining to rural and small community schools, as described in ministry backgrounder documents issued in December 2005; and

“To bring forth the release of targeted funding for rural elementary schools who, under the current funding formula, are being marked for closure by the Thames Valley District School Board and thus unfairly bearing the weight of system-wide budget constraints.”

1540

As I said, it's signed by a great number of my constituents, and I will affix my signature too.

### COMMUNITY MEDIATION

**Mr. Bob Delaney (Mississauga West):** I have a petition to the Ontario Legislative Assembly from a group of people in Mississauga regarding community mediation. I especially want to thank Lesley Jones, Jennifer King and Imelda Fisher for having gathered signatures for it, and it reads as follows:

“Whereas many types of civil disputes may be resolved through community mediation delivered by trained mediators, who are volunteers who work with the parties in the dispute; and

“Whereas Inter-Cultural Neighbourhood Social Services established the Peel Community Mediation Service in 1999 with support from the government of Ontario through the Trillium Foundation, the Rotary Club of Mississauga West and the United Way of Peel, and has proven the viability and success of community mediation; and

“Whereas the city of Mississauga and the town of Caledon have endorsed the Peel Community Mediation Service, and law enforcement bodies refer many cases to the Peel Community Mediation Service as an alternative to a court dispute; and

“Whereas court facilities and court time are both scarce and expensive, the cost of community mediation is very small and the extra expense incurred for lack of community mediation in Peel region would be much greater than the small annual cost of funding community mediation;

“Be it therefore resolved that the government of Ontario, through the Ministry of the Attorney General, support and fund the ongoing service delivery of the Peel Community Mediation Service through Inter-Cultural Neighbourhood Social Services.”

This is an excellent petition, and I'm pleased to sign it and to ask page Connor to carry it for me.

### LONG-TERM CARE

**Mr. Bill Murdoch (Bruce-Grey-Owen Sound):** I have a petition that comes from many nursing homes, especially Summit Place in Owen Sound and the Meaford nursing home. It's a petition to the Legislative Assembly of Ontario.

“We, the undersigned, who are members of family councils, residents' councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years....”

I have signed this.

### SERVICES FOR THE DEVELOPMENTALLY DISABLED

**Mrs. Julia Munro (York North):** “To the Legislative Assembly of Ontario:

“Whereas, without appropriate support, people who have an intellectual disability are often unable to participate effectively in community life and are deprived of the benefits of society enjoyed by other citizens; and

“Whereas quality supports are dependent on the ability to attract and retain qualified workers; and

“Whereas the salaries of workers who provide community-based supports and services are up to 25% less than salaries paid to those doing the same work in government-operated services and other sectors;

“Therefore we, the undersigned, petition the Legislative Assembly of Ontario to address, as a priority,



funding to community agencies in the developmental services sector to address critical underfunding of staff salaries and ensure that people who have an intellectual disability continue to receive quality supports and services that they require in order to live meaningful lives within their community.”

As I am in agreement, I have affixed my signature and give it to Alicia to deliver.

#### SCHOOL BUS SAFETY

**Mr. Ernie Parsons (Prince Edward–Hastings):** “To the Legislative Assembly of Ontario:

“Whereas it has been shown that crossing control arms on school buses reduce or virtually eliminate instances of students being struck by their own bus; and

“Whereas 91% of all front-bumper fatalities involve buses not equipped with crossing control arms; and

“Whereas the safety of the children of Ontario is our number one priority;

“We, the undersigned, petition the Legislative Assembly of Ontario to require that all future school buses be equipped with crossing control arms and that all existing school buses be required to be immediately retrofitted with crossing control arms.”

I am pleased to add my signature to this.

#### LONG-TERM CARE

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** “To the Legislative Assembly of Ontario:

“Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging seniors and parents who are residents of long-term-care homes need, with the respect and dignity that they deserve; and

“Whereas, even with recent funding increases and a dedicated staff who do more than their best, there is still not enough time available to provide the care residents need. For example, 10 minutes, and sometimes less, is simply not enough time to assist a resident to get up, dressed, to the bathroom and then to the dining room for breakfast; and

“Whereas those unacceptable care and service levels are now at risk of declining;

“We, the undersigned, who are members of family councils, residents’ councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007).”

It was presented to me by many long-term-care centres in my riding of Haliburton–Victoria–Brock.

**Ms. Andrea Horwath (Hamilton East):** I’m pleased to present a petition from over 200 Ontarians concerned about the government’s inadequate funding for long-term care in this province. The petition reads as follows:

“Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging seniors and parents who are residents of long-term-care homes need, with the respect and dignity that they deserve; and

“Whereas, even with recent funding increases and a dedicated staff who do more than their best, there is still not enough time available to provide the care residents need. For example, 10 minutes, and sometimes less, is simply not enough time to assist a resident to get up, dressed, to the bathroom and then to the dining room for breakfast; and

“Whereas those unacceptable care and service levels are now at risk of declining;

“We, the undersigned, who are members of family councils, residents’ councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007).”

I agree with this petition and have affixed my name to it and send it to the table by way of Gemma.

**Mrs. Maria Van Bommel (Lambton–Kent–Middlesex):** This petition was presented to me by the residents, families and friends of Fairfield Park in Wallaceburg.

“To the Legislative Assembly of Ontario:

“Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging seniors and parents who are residents of long-term-care homes need, with the respect and dignity that they deserve; and

“Whereas, even with recent funding increases and a dedicated staff who do more than their best, there is still not enough time available to provide the care residents need. For example, 10 minutes, and sometimes less, is simply not enough time to assist a resident to get up, dressed, to the bathroom and then to the dining room for breakfast; and

“Whereas those unacceptable care and service levels are now at risk of declining;

“We, the undersigned, who are members of family councils, residents’ councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007).”

I send this to the table with page Elliott.

**Mr. Bill Murdoch (Bruce–Grey–Owen Sound):** I have some more petitions to the Legislative Assembly of Ontario from the Hanover Care Centre and McVean Lodge in Hanover and from the Golden Dawn Nursing Home in Lion’s Head.

“Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging seniors and parents who are residents of long-term-care



homes need, with the respect and dignity that they deserve; and

“Whereas, even with recent funding increases and a dedicated staff who do more than their best, there is still not enough time available to provide the care residents need. For example, 10 minutes, and sometimes less, is simply not enough time to assist a resident to get up, dressed, to the bathroom and then to the dining room for breakfast; and

“Whereas those unacceptable care and service levels are now at risk of declining;

“We, the undersigned, who are members of family councils, residents’ councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007).”

I have signed this also.

1550

### IDENTITY THEFT

**Mr. Tony Ruprecht (Davenport):** I have a petition to the Parliament of Ontario, and especially to the Minister of Government Services. It reads as follows:

“Whereas identity theft is the fastest-growing crime in North America;

“Whereas confidential and private information is being stolen on a regular basis, affecting literally thousands of people;

“Whereas the cost of this crime exceeds billions of dollars;

“Whereas countless hours are wasted to restore one’s good credit rating;

“Therefore we, the undersigned, demand that Bill 38, which passed the second reading unanimously in the Ontario Legislature on December 8, 2005, be brought before committee and that the following issues be included for consideration and debate:

“(1) All consumer reports should be provided in a truncated ... form, protecting our vital private information, such as SIN and loan account numbers.

“(2) Should a consumer reporting agency discover that there has been an unlawful disclosure of consumer information, the agency should immediately inform the affected consumer.

“(3) The consumer reporting agency shall only report credit-inquiry records resulting from actual applications for credit or increase of credit, except in a report given to the consumer.

“(4) The consumer reporting agency shall investigate disputed information within 30 days and correct, supplement or automatically delete any information found unconfirmed, incomplete or inaccurate.”

Since I agree with this petition 100%, I am delighted to sign it.

### ORDERS OF THE DAY

#### PLANNING AND CONSERVATION LAND STATUTE LAW AMENDMENT ACT, 2006

#### LOI DE 2006 MODIFIANT DES LOIS EN CE QUI A TRAIT À L'AMÉNAGEMENT DU TERRITOIRE ET AUX TERRES PROTÉGÉES

Resuming the debate adjourned on April 19, 2006, on the motion for second reading of Bill 51, An Act to amend the Planning Act and the Conservation Land Act and to make related amendments to other Acts / Projet de loi 51, Loi modifiant la Loi sur l'aménagement du territoire et la Loi sur les terres protégées et apportant des modifications connexes à d'autres lois.

**The Deputy Speaker (Mr. Bruce Crozier):** Further debate? The member for London–Fanshawe.

**Mr. Khalil Ramal (London–Fanshawe):** Mr Speaker, thank you for giving me the opportunity and honour to stand up and speak in support of Bill 51.

It's about time a government in this province took the chance and the opportunity to reform the Municipal Act. As you know, for many years the Planning Act has not been taken into any government's consideration. There was a lot of neglect of the municipalities in this province, left alone, acting without any direction, without any support from the government. Now, under the direction of Dalton McGuinty's government, we are, through this bill, going to reform and to assist municipalities across the province of Ontario, help them and give them the ability to use and to facilitate planning in this province.

As you know, there is a lot of dispute in many different municipalities. There are a lot of issues concerning land use and questions of transportation. There are many issues facing municipalities across Ontario, but they never had the chance before to get support from the provincial government. Now, through this bill, through the Ministry of Municipal Affairs and the direction of Dalton McGuinty's government, we are taking charge. We are going to assist them and create a new Planning Act in order to help facilitate their growth and help them to prosper more and give them the ability to use whatever land they have to increase their potential ability to be better for the future.

As you know, the OMB has been trying to be reformed in such a fashion as to fit every municipality in a different way. I was listening to the opposition last week talking about the intent of the bill. Of course, they have misinformation about the focus and the intent of the bill. I want to tell the member from the opposite side who's laughing right now that this government is taking charge. This government, for the first time in many years, is coming to the table with municipalities to form a partnership. It's time to treat the municipality as a partner. That's what we wish and we hope from the federal government, to treat us as a partner. Without a



partnership, without teaming with the municipalities, we cannot have as strong a province, we cannot have a strong country. That's why the most important thing is to reform the Municipal Act, because it's overdue. Many municipalities were complaining about their inability and the inflexibility they face when dealing with many different issues.

As you know, especially in the rural areas, there are so many difficulties, especially clean water, roads, highways, bridges. All these issues are very complex. That's why this plan and this bill will give them the flexibility, will give them whatever support financially in order to continue their mission to transform their municipalities.

I want to tell the opposition members that I was listening to them last week when they were talking about this bill. They said the government of Ontario didn't give the support. I know they mean the past government, not this government, because we truly believe in a partnership. We truly believe in giving the municipalities whatever tools they need in order to serve their communities and their people.

When we introduced the partnership with municipalities—I want to give you an example, just one example—the city of London got more than \$13 million as a sign of true partnership between the province and the municipalities. Also, when we introduced the gas tax, it was true accountability, a true honouring of the partnership with municipalities in order to enhance their transportation systems. Also in the past budget, as you know, all the municipalities across the province of Ontario got a significant amount of money. London got more than \$14 million to assist them, to help them build roads, infrastructure, bridges and many different things. It's a way to help the municipalities upload what had been downloaded from the past government.

As you know, the past government downloaded so many different responsibilities without attaching any financial support to them. The McGuinty government addresses this issue, dealing with it face to face. We formed some kind of partnership to reform the act that runs the municipalities and also gave them money as support in order to implement whatever project they needed. I think that shows the accountability. It shows the significant investment in our municipalities, because as our leader, Dalton McGuinty, mentioned many different times, we cannot be strong without all the communities—from rural to urban centres, from the north to the west to the east and to the south. All of us in the province of Ontario have to work together in order to create a stronger, able province. We cannot do that without a partnership. We cannot do that without financial investment in those communities across the province of Ontario. We cannot do that without giving them the tools, which are the laws and the flexibility to move from spot to spot, to use the land they have, to reform their water systems, to build the bridges, transportation, and deal with many different issues concerning municipalities across the province.

The issue is not just the money; the issue is about planning. We have to plan for the future, we have to plan

for the next generations, to connect the small town with the larger town, to connect the big cities with the small cities, because we believe that by connecting people together we can have a strong province. We cannot do that without planning. Planning means to plan for the future. Planning means planning for the next generations. Without planning, we cannot succeed in the future.

I think this is a very important bill in order to give municipalities the ability to plan without any hesitation, to give them the ability to plan without being in fear of a government not listening to them. This bill will give them the chance to map the future, to plan for the future, for our kids to see the vision of this province in the future.

One of the greatest things in this province is when people work together. One of the greatest things too is when they have a government that listens to their concern and acts on it and works with them in order to solve it. A government cannot do it all by itself, but the government can work when all the people believe in that government, when all the communities across the province, from smaller to larger ones, work together to put together a strategy all of us will benefit from.

**1600**

You start seeing the results when you go everywhere in Ontario—to London, Windsor, Toronto, Sarnia, Chatham, Thunder Bay and Sudbury—that they feel the effect of this government; that they feel they are connected, not being left alone. The wealth of this province is being spread all over the province, not just in one area.

I'll give you a great example of part of our planning for the future: when we created the greenbelt. The greenbelt is a great indication of this government's vision to maintain the image of this province as a green province, not just dry and full of buildings, roads and highways. This is part of our planning. We don't plan for tomorrow; we plan for 100 years from now.

That's what responsible government is and what a responsible leadership will do when they get the responsibility and the ability to be in the driver's seat. They should lead their people to a prosperous future, planning not just for small things but bigger things—a bigger role that this province might play by opening up the whole partnership with municipalities. We have a great plan to engage all the people in this province, to fit and to link all communities, from larger to smaller, because that's the only way when we work as a partner with municipalities. I hope the federal government also gives all of us a chance to partner, from federal to provincial to municipality. We can create a great future for the population that lives in Canada. We can create a great country, and this country will be able to face all the challenges in the future.

I think a successful government will be measured by its vision, by its planning for the future, not by short-sighting the issues and dealing with them as temporary measures, but by planning for the 100 years and 1,000 years to go.

Thank you again for allowing me to speak on this important bill.



**The Deputy Speaker:** Questions and comments?

**Mr. Ernie Hardeman (Oxford):** I want to thank the member opposite from London–Fanshawe for the presentation on Bill 51. I'm just somewhat disappointed that it wasn't on Bill 51. The member spoke about government planning, and it sounded to me like planning for the next election as opposed to the land use plan, which is what is in this bill.

It comes out in the fact that he said this is the provincial government taking charge of the planning process. The minister pointed out when he introduced the bill that this was a bill to give municipalities the ability to do local planning, that we're going to empower the municipalities, so that it was no longer the province. But the member speaks of taking charge and taking that power away from the municipalities.

One of the things I found rather interesting in the presentation is that if you go through the bill, the number one issue in the bill, and the number one issue you hear when you talk to the public about this bill, is the reform to the Ontario Municipal Board, which is that it's going to have a different focus from what it presently has. I heard absolutely nothing from the member about that part, which is the most significant part of Bill 51 and which I think the public has the most concerns with. I wish I had heard something, so the government could have explained to those of us sitting on this side the benefits of the changes they're making. From where we're sitting, the benefits are not an improvement. We all realize that the Ontario Municipal Board needs to be reformed, but the way it's being done within this structure is going to make it ever more cumbersome and ever more time-consuming for the development industry and for municipalities to get applications through the system. Everything is going to take longer, and everyone is going to have to prepare larger documents, and more documents, in order to get a planning process approved.

Again, this is the government taking charge of something they know very little about, and it's not going to work the way it's supposed to. I wish I could have heard that part of the discussion in the presentation that the member opposite made.

**Ms. Andrea Horwath (Hamilton East):** I also listened carefully to the member's comments in regard to Bill 51. I found it interesting that his initial comments were around the fact that opposition parties had misinformation on the bill. I was then surprised to hear some of the assertions that he made during his remarks, because I'm confused as to who's got the misinformation: whether it was the member who was speaking or in fact the opposition that's here in the House today.

I say that because the member talked at length about partnerships and how this bill is somehow meant to be more reflective of the government's claim to partnerships with municipalities, and he used the example of rural communities to illustrate that point. But I have to tell you that in the same vein, he used those examples to talk about the downloading situation and how this is not going to be like downloading but it's going to be uploading. Particularly when it comes to rural areas, this

member must know that what this bill does is download responsibility and cost into rural and smaller communities because those are the very communities that are going to have a very difficult time finding the wherewithal in their budgets to put in place parts of this bill that are being introduced in the process. Those are, of course, the local appeals bodies. Larger municipalities are going to be able to do that because they have the staffing infrastructure and the professional infrastructure already in place, but the smaller municipalities certainly are not going to feel that this government has done anything for them, because the local appeals bodies are not going to be something that they'll easily be able to implement.

I have to say that instead of uploading, this really is another form of downloading. There are many other problems with this bill that I know my lead critic in this area, the member from Beaches–East York, is going to be reflecting on very soon.

**Mr. Brad Duguid (Scarborough Centre):** I'm pleased to respond to the comments made by the member for London–Fanshawe, and good comments they were. This bill is about rebalancing the process and the relationship between all the parties as we move forward with development in this province. It's an important bill because there was a need for rebalance. I think "balance" is probably the key word when it comes to describing what this bill is about. We looked at balancing the needs, for instance, of ratepayers, of communities, balancing the needs of municipalities and balancing the needs of the building and development industry, which is something that was also very important to all of us here in this province. When you consider that this industry contributes something like \$60 billion a year to our local economy, when you consider that close to 250 million people—it could be even more than that—are employed in this industry, it's very important that we do strike a balance.

I'll go over a few of the areas. There are many changes that are taking place through this legislation, all of which I think will work in the interests of all Ontarians; for instance, the need to have up-to-date official plans and zoning bylaws. What that does is ensure that in fact there should be fewer appeals to the Ontario Municipal Board. If zoning and official plan bylaws are up to date, there will be less need to apply for amendments to those particular things.

It ensures complete applications are required at the beginning. That will work out in the interests of all players in the development industry and of ratepayers because it will ensure that the homework is done up front, and it gives municipal councillors the opportunity to make good, solid judgments to ensure that the development that takes place is in the best interests of their community and of their local economies.

Those are just a few of the changes. There are many more that will benefit Ontarians right across this province.

**Mr. Norm Miller (Parry Sound–Muskoka):** It's my pleasure to respond to the speech from the member from London–Fanshawe on Bill 51, which is, just to remind



him, An Act to amend the Planning Act and the Conservation Land Act and to make related amendments to other Acts. It's obviously about planning, but he seemed to be talking more about other things. In particular, he talked about the gas tax, so I thought that's what I'd make my comments about.

I would just like to say, from the perspective of mainly small, rural municipalities in the riding of Parry Sound-Muskoka, that there's only one municipality that benefits from the gas tax that goes to transit that this provincial government brought into effect—only one, and that's Huntsville, of all the 22 or so municipalities. Most of the rural municipalities are being ignored.

There is a private member's bill that the member from Renfrew-Nipissing-Pembroke has introduced, a very good bill, that would bring fairness to all of rural Ontario. It would allow all those municipalities that rely on the automobile as their public transit to use gas tax funding for things like roads, bridges and all the basic things that are transit in rural areas. I would say to the government that I hope they'll look seriously at the member from Renfrew-Nipissing-Pembroke's private member's bill and go about implementing that bill.

1610

I would also like to highlight, as I did in question period today, the way some other regions are feeling about this provincial government's funding for them; for example, the city of North Bay, which is facing a \$4.3-million shortfall in their Ontario municipal partnership fund. Just read back through the last few weeks in the North Bay Nugget and you'll see negative article after negative article to do with this provincial government's support for the area of North Bay.

**The Deputy Speaker:** The member for London-Fanshawe, you have two minutes to respond.

**Mr. Ramal:** I want to thank the members from Oxford, Parry Sound-Muskoka, Hamilton East and Scarborough Centre for their comments on my speech.

I was very clear on this issue. I know exactly what I said. I still believe the members opposite don't understand the whole bill, what it's all about, and just want to take the negative part of it. It's very important to tell the people of Ontario that the province places great trust in the honesty of municipalities. This bill will be able to transform the OMB to fit with modern life.

When we talk about planning for municipalities, as the PA for the minister, the member from Scarborough Centre, said when he outlined the importance of this bill, this bill gives the ability and places trust in the honesty of city councillors to make the best, fairest judgment to plan their jurisdictions. That's what the government of Ontario, the government of Dalton McGuinty, has done. They don't leave them planning just by themselves without giving them the support and tools. This bill is very important to all municipalities in order to give them the tools to be able to plan for the future, and also to create some kind of tool for them to enhance their jurisdictions and municipalities.

I meant what I said about trust because we believe in a partnership. Without a partnership with municipalities we

cannot succeed in the future. We won't be able to plan for a better future for all the people of Ontario, especially for small municipalities, something the member from Muskoka-Parry Sound mentioned. We believe in working together and putting in a plan from east to west and south to north because, by working together, we'll have a great province.

Thank you for allowing me to comment on the speakers.

**The Deputy Speaker:** Further debate? The member for Simcoe North.

**Mr. Garfield Dunlop (Simcoe North):** Thanks so much, Mr. Speaker, for this opportunity this afternoon to speak to Bill 51, An Act to amend the Planning Act and the Conservation Land Act and to make related amendments to other Acts.

It's always interesting to speak about a Planning Act bill. It seems that with every government that comes into power we keep amending the Planning Act to make it better and better, and whether or not we do, I'm not sure at times.

I see some of the pages are still here, but I want to welcome the new pages to Queen's Park. It's great that you'll be here for the next few weeks. I think you'll have some very interesting times.

Also with this opportunity, I would like to just thank a wonderful group of people up in the city of Orillia that put on a fundraising event yesterday, the Zehrs Super Cities fundraising walk for MS. They raised a lot of money with fantastic participation. I'm saying that because I'm the honorary chair each year and I get to bring greetings and actually walk, I guess, about six kilometres.

**Mr. Miller:** You did the whole thing?

**Mr. Dunlop:** I did the whole thing. I did all six kilometres and it worked out well.

I've been around municipal politics since 1980. I'm always interested in the Minister of Municipal Affairs. It seems to be the one bill that the minister has to come forward with. No matter who is the minister, or of what political party, they always have to amend the Planning Act and are always going to make things better and better. But the reality is, it usually gets more and more complex and more bureaucratic as time goes on. However, there are some parts of the bill that I would like to talk about for a few moments. My comments will concentrate on section 23 of the bill. I believe it's on—I should have the page here, but I'll get it in a second.

Anyhow, it's on section 23 and it takes into account a concern I'm hearing more and more each day, and that involves the government's policy on renewable energy and on the replacing of their election promise to remove coal-fired generation. I believe the Liberal Party in 2003 made a promise to eliminate all coal-fired generation—around 6,400 megawatts of coal-fired generation—by the year 2007. Of course, we can't build nuclear reactors, new dams and that sort of thing in that period of time, but maybe we could have found some green energy, things like solar and wind power.



Just to begin on wind power: As you study wind power, it seems that the more detail you find out about it, the less inclined you are to really support it. I've got to tell you that a couple of years ago when people started talking about wind turbines etc., I really supported the idea that the more of these we could build, the better it would be. But I'm starting to get feedback from my constituents. We've got a couple of proposals in the riding of Simcoe North, one in Tiny township. We've had a couple of public meetings on it. This is where I would really like the government members, or someone in the government, to clearly indicate to me the process a company proposing a wind turbine farm—I would be very interested in hearing the exact process they have to follow in order to get approval to put up a series of wind turbines. Part of that would involve what type of objections the municipality or the constituents who perhaps would surround the wind turbine farm would be able to offer if they were opposed to having a wind turbine farm in their backyard. I hope I can get some clarification from the other side, because we haven't been able to get it from the minister's office. Perhaps someone can explain it to me today. I would really appreciate knowing this.

They tell me that section 23 of Bill 51 basically makes it almost impossible for individuals to object to the creation of a wind turbine farm. The reason I'm concerned about this is that this is, I guess you could call it, renewable energy. It's free. Wind power is free. If you put them in the right spots, they will create electricity at peak periods, although you can't rely strictly on wind power. You need to have a backup, because on those hot summer days when it's 38 or 39 degrees Celsius and there's absolutely no wind, the turbines aren't turning; they're not creating any power. So you have to have coal or oil or natural gas or nuclear or hydroelectric. You need something to replace that.

I'm told that this bill basically makes it impossible for anyone to object. I would like to know from the government side exactly the process the companies followed to get the approvals for the wind turbines that have been built to date—some of them are now actually tied into the grid—and whether or not the communities they were built in had objections from the general public. Would anyone object to the wind turbines and, if they did, were they listened to? Did they get a chance to go to the Ontario Municipal Board? Did they get a chance to go to the local council or the county council? I'm told it didn't happen. I'm told that each one to date has been under a minister's order from the Minister of Energy. I'm curious if I'm right or wrong on that, but I would really like to know that process, because it ties back to Bill 51. Do we or do we not have a process in place? The bill is called the Conservation Land Act. Are we making it easy for someone to develop a wind turbine farm but impossible for someone to object to that wind turbine farm actually being built?

1620

Here are the problems they have; I want to put them on the record. First of all, people are telling me there is a

noise factor to the wind turbines. I have seen a video just recently. I haven't been beside one, other than approximately a couple of hundred yards away, but I understand there is a noise factor to them. I understand there may be some environmental concerns on how they can affect birds. On a sunny day, with the wind turbines actually circling, there is a strobe effect to them. I understand that people in European countries are no longer as accepting of having wind turbine farms now as they were before and are in fact beginning to remove them, in some cases not allowing any more to be built. I would really be interested in hearing the minister stand up some day—either the Minister of Energy or the Minister of Municipal Affairs—and give us a clear explanation on the government's exact process on this, because if it's a mistake, we should know about that and the citizens out in the communities should know about that.

I can tell you that one of the things we're most concerned about here today is how it is affecting property values. For every other type of project that was built in the many, many years of the history of the province, whether a landfill site, a major housing development or a development for hydro transmission lines, there has always been a process in place for the citizens of the province, for their communities, to actually object. They could have written complaints or go to some kind of a tribunal. I'm saying today that it doesn't exist with wind turbine farms under this legislation. This will basically give carte blanche approval to people building wind generation farms.

What's exciting about this—I shouldn't say "exciting," because it's kind of sad, but the company that's building the wind turbine farms up in my area is very closely connected to the Liberal Party of Ontario. That's because one of the members of the board of directors is the Honourable David Peterson, the former Premier of Ontario. People are saying to me, "What's going on?" Here's a former Premier, tied into the Liberal caucus, tied into the Liberal Party, and they're actually saying that maybe there are some benefits of being on the board of directors and being a member of this company building these wind farms. I think we deserve an explanation on that from the Liberal Party.

We may want to build wind turbines and that may be the thought of the government, and certainly in some cases it will definitely put power back into the grid. But what's really important is that people who are in neighbouring municipalities, at least, who don't want to look out their farm windows or their cottage windows at huge, 400-foot towers spinning in the air—it's unfair to deny them the privilege of having a process in place where they can legitimately bring forward concerns and object to these kinds of proposals, if in fact they're coming forward.

That is why they're telling me that section 23 of the bill has become a real problem. I'm sure the minister's office and some of the staff in the Ministry of Municipal Affairs and Housing have seen some of those objections come in. I know that I received copies of many letters. I



think they were sent to another gentlemen by the name of Peterson—no relation to the other gentleman I mentioned earlier—but I believe that they were sent to his office. I'd be extremely interested in seeing exactly what that process is and how it will impact people who object to these particular proposals, if they come forward.

I want to put on the record again that in the government's own documents coming from, not Hydro One but one of the other companies that monitors hydro generation in the province of Ontario and the future of hydro generation—I know that they're telling us in these books that the reliability of wind-power is at 10%. If you have a proposal for 1,000 megawatts, that means you've only got a reliability factor of 100 megawatts. So if you're going to replace thousands of megawatts of coal-fired generation, how many hundreds and hundreds of wind turbines would you need, if they're unreliable, to actually produce 6,000 or 7,000 megawatts to replace coal-fired generation? That was my key area that I wanted to discuss.

I've got to tell you that in the comments I've been listening to from some of my municipalities and some of the people I've talked to in AMO and some of the land development people, they're sort of wanting to get this bill to committee to see exactly where the government is going with this, so we can talk to the development industry, we can talk to the people in the aggregate industry, we can talk to the Association of Municipalities of Ontario, we can talk to small municipalities and, above and beyond all, we can talk to some of these groups of people who do go out on a limb and do object to certain applications such as the wind turbine farms. We want to make sure that those people have an opportunity, not only here at Queen's Park but right across our province, to come forward and voice their concerns on Bill 51. I think it will be interesting to see where we go from that.

As I said earlier, I've been around municipal politics for a lot of years. I've seen a number of changes with official plans. I think it was the member just a few minutes ago—the gentleman from Scarborough—who talked about municipalities having up-to-date official plans. Well, the reason you do an official plan is that you build a 20-year plan. There are lots of municipalities that have 10-year-old official plans. A 10-year-old official plan is in fact intact, because the plan was designed for 20 years. Every municipality doesn't go out every year and do a brand new official plan. They put their thoughts behind the bill, their thoughts behind their legislation and their zoning bylaws and their official plans, and they plan a 20-year period. And it's approved by the very minister, the minister's staff, who's bringing forth this legislation. So yes, there will be lots of official plans that may be 16 or 17 years old, but in two or three years they will be coming up for review.

There are also plans that are only five or six years old, or two or three years old, and they should still have, according to the people who put together the plan that was approved by the appropriate people, an opportunity to follow the guidelines of that plan for the next 20 years. I'm hoping those types of plans won't be amended.

That takes me to one other factor. I'm introducing a bill tomorrow called the Lake Simcoe Protection Act, and it follows a little bit in line with the Oak Ridges Moraine Conservation Act and the Greenbelt Act. It's one of the areas I'm very, very concerned about, where the government went with the greenbelt legislation. I know that if you drive down Highway 400 now, there are a couple of great big signs. On the one right in Holland Landing you'll see, "You are entering Ontario's greenbelt." And a few minutes later, you get down to, "You are entering the Oak Ridges moraine protection area," which our government brought into place. It's interesting, because I wonder what the feeling of the government is on the land north of the greenbelt area, north of the Oak Ridges moraine conservation area, because I can tell you, we are already feeling the impacts. We're feeling the impacts in Simcoe county of the leapfrogging effect of growth. When the builders can't build developments and proposals in any of the greenbelt area, they're going to go up farther north to Simcoe county and some of the areas, maybe even as far as Bruce county and even into the Muskokas, to look for places to possibly develop.

One of the things that's a huge concern there is having the resources available to help the communities actually develop in those areas. I think the saddest part of designing these plans for a greenbelt area is that as we move forward, in a lot of cases we plan on using valuable farmland as the areas to build the homes. It's a sad day in the province of Ontario when it's easier for a farmer to sell his land for foundations and for development and make a lot of money in that area as opposed to when he can earn a decent living on his farm. And that's a predicament farmers in Ontario are finding themselves in right as we speak today. They're trying to find the money this spring to plant their crops so they can carry on business. They're looking for subsidies from this level of government. They're looking for subsidies from the federal government in Ottawa. They're looking to be able to compete against our neighbouring jurisdictions and of course against European subsidies as well.

**1630**

Because farm families, the agriculture community, are having such a difficult time earning a decent living, they're turning to the fact that they have to sell the land to build houses on—this very beautiful farmland. That's what they are hoping they can do. That is a sad day in any province, in any part of the world, because not only do we use up this valuable farmland but we're also having a tremendous effect on the source water protection of the communities where they'd be built.

I don't have a lot of extra time left here but I wanted to thank the minister at least for the opportunity to come to second reading. I do hope we'll be able to have committee hearings. I would invite the minister, and the subcommittee that is setting up these hearings, to come to Simcoe county; perhaps to Orillia, Barrie, Collingwood or Alliston, one of those communities. I think there's going to be a lot of interest in Bill 51 and what it actually means as far as the Ontario Municipal Board, the changes



to that. There would be a lot of interest in section 23 of the bill. It goes right back to my concerns on the wind turbines.

We want to make sure we get these bills right and we need a lot of committee time. We need a lot of debate to make sure we can do it, and implement the bills in a proper manner to meet the society we're facing today and the changes we'll see in the near future.

I think today there is a greater sense of environmental awareness than there probably has been in many decades in this province. I think we see that with our school kids. I was at an Earth Day demonstration the other day by some kids at Marchmont Public School. It was unbelievable what those young people knew about the environment and how they were looking at the future and looking at recycling, protection of their natural heritage corridors, that type of thing. It was good to see. I think when young people are learning, we are all learning as well and it will help us all.

I look forward to seeing this bill go to committee. I thank those speakers ahead of me and I look forward to the remaining debate on Bill 51. Thank you, Mr. Speaker, for this opportunity to address you today.

**The Deputy Speaker:** Questions and comments?

**Ms. Horwath:** It's my pleasure to make a few comments on the issues raised by the member from Simcoe North. It seems to me that the most important issue the member raised was that of section 23. Certainly I could tell you, from the perspective of a member who represents the city of Hamilton's industrial north end, Hamilton East, that it's a serious problem if that section is kept in this bill.

I look forward to this bill going through a committee process and through the public hearings process. Although in Hamilton East the issue isn't wind turbines and the generation of power by windmills, it's in fact sewage sludge incineration and the environmental assessment process that can be subverted: This actual bill enables companies to subvert the environmental assessment process for something like the incineration of sewage sludge.

It is the same kind of concern that we have in regard to this bill and that I have in regard to this bill: It's about the process; it's about the scrutiny; it's about the important part of the environmental assessment process that section 23 would get rid of. Why would it get rid of that? It would get rid of that simply because this government is bent on energy-producing facilities regardless of the pollution that gets produced as a result.

It's really inappropriate in my opinion, as in the member for Simcoe North's opinion—that the issue of generation of electricity does not overshadow the real issues about environmental protection that this government must maintain.

Therefore, section 23 has got to be removed from this bill. If it is not removed from this bill, the process that currently is under way with the facility called Liberty Energy in Hamilton East will be able to continue, and that is a mere peer review of the materials the company

itself is putting out there. In fact, the company itself is putting out information that says Hamilton's airshed is already at its capacity. That's why we need environmental assessments. Get rid of section 23.

**Mr. Wayne Arthurs (Pickering–Ajax–Uxbridge):** I appreciated hearing the comments from the member for Simcoe North. I was particularly intrigued in part by his concerns about what he refers to as leap-frogging and the potential for urban development of municipalities. It drew my attention to that particular part of the bill that I think is important to municipalities, important to their constituents and important to the planning process. That's the part of the bill that removes the opportunity for the applicant to appeal an official plan amendment that's denied by the municipality, where that local governance body denies the official plan amendment, and it can't be appealed then if it involves things such as altering the boundary of the settlement area. In other words, a developer can come in and ask to have the urban boundary expanded, and if the municipality turns that down after giving it due deliberation, there's no appeal to the Ontario Municipal Board—so real control in the hands of the municipality.

Similarly, a new settlement area: Even if within the overall urban envelope there's an opportunity potentially to establish a new urban envelope of some fashion, there's no appeal process being provided to the Ontario Municipal Board for that. So a lot of authority is being provided to the municipality from the standpoint of ensuring the integrity of its boundaries, ensuring that new settlement areas aren't established. It's also providing some interesting tools when it comes to intensification. There's no provision to appeal a process whereby there's a second unit being approved by the municipality within a structure. So it really does provide not only for intensification but it protects the municipality and its opportunity to control its own future growth.

So there are a lot of very interesting elements in the body of the bill that really do support local decision-making and support the local municipality.

**Mr. Norman W. Sterling (Lanark–Carleton):** It will really be difficult to determine the impact of this act, but it is certainly far-reaching, because it sets up a number of changes to the integration of the land division committee of a municipality, of the municipal council, of developers coming to a municipal council to ask for approval of a subdivision or a development. It changes as well some important elements with regard to giving the minister and cabinet an override with regard to energy projects, which were mentioned by my colleague, and I thought it most appropriate that I comment further on that.

My friend Mr. Dunlop commented about wind farms, but as you know, this government has expressed a very high desire for more nuclear energy. Way back in the late 1970s, when I was first elected, there was talk about a new nuclear plant in the area that I represented. In the middle of this talk, the Three Mile Island accident occurred in Pennsylvania and the community's opinion turned right around with regard to that whole matter.



I believe that section 23 is extremely dangerous. It will allow this provincial government to impose planning on a municipality if it wants to found a nuclear reactor in the middle of a municipality that does not want it.

So this act is going to change the whole balance of power between municipalities and the province. It's not all one way down to the province.

**Mr. Michael Prue (Beaches–East York):** It's a pleasure to comment on the statements made by the member for Simcoe North. He is correct in his assumption that section 23 is the really flawed section of this bill. If there is any section that needs to be removed from this bill, surely it is that one. I intend to speak to that when my turn comes up.

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But I do want to talk about the ministerial override and his concern about wind farms. Although he is correct in his assumptions about section 23, it seemed to me that a wind farm was the most innocuous thing that may be overridden. I think that communities may be worried about wind farms in some respects because of the noise, although I was at Exhibition Place on Friday night and the windmill was going around and around, I was underneath it and I have to tell you that I could not hear a thing.

In any event, I think what people in the communities will be more concerned about is the siting of other energy proposals close to them. Is a nuclear facility to be built on that farmland? Is an energy-from-waste plant to be built on that farmland in lieu of a dump, or a dump? Is there to be sewage sludge treatment on that land, with all the attendant odours that causes? Is there to be a toxic or nuclear dump or waste site where toxic materials are stored or kept, and the roadways leading up to it? These are things that ordinary people and municipalities want to have some say on: whether or not they are contained and whether the site is appropriate.

It can be argued that Ontario may need these sites; it may need the energy from some of these. I'm going to leave that to others to argue, but surely people who live there need to have an opportunity to have some say in it; a lot more say than they need to have on the siting of a windmill.

**The Deputy Speaker:** The member for Simcoe North has up to two minutes to respond.

**Mr. Dunlop:** I'm pleased to thank the members from Hamilton East, Pickering–Ajax–Uxbridge, Lanark–Carleton and Beaches–East York for their comments.

I'll say right off the bat that the reason I talked about section 23 and wind turbine farms is because it's a high priority for the constituents I represent. My constituents are concerned and want to know what the process is. They want to know whether there is an appeal period; they want to know what they can or cannot do. One thing they don't want, whether it's a wind turbine farm, a nuclear reactor or whatever it may be, is just a rubber stamp by some person in the Ministry of Energy or at Ontario Power Generation saying, "You can go ahead and do this project." They're not only concerned about

quality of life but about real estate values as well. That's why I talked about the one in Tiny township. It's a concern that my constituents are coming forward to discuss with me. It would probably be the same type of story if it was a nuclear reactor or a landfill. I did want to put that on the record today.

I think section 23 of the bill has to be removed. I expect that the government would listen to the ratepayers of Ontario and to the people who come forward. I hope all the stakeholders and all the people would be able to come to committee hearings here at Queen's Park and abroad in different communities across the province. This is an important bill because, if you leave 23 in there, it does take away the rights of some of our citizens in Ontario. I don't think that's what the government intended to do; however, section 23, if it remains in its current form, is bad news for the citizens of Ontario.

**The Deputy Speaker:** Further debate? The member for Beaches–East York.

*Applause.*

**Mr. Prue:** Thank you very much, Mr. Speaker, and to all those applauding. I hope you're still applauding when I finish about an hour from now.

The history of the Ontario Municipal Board has been cited here today. People know it is an institution that goes back many years. It has a colourful and coloured history, if I can put it that way, because of all the decisions it has made over those many years; many have been controversial. In my own community, probably the most controversial decision ever made by the Ontario Municipal Board actually got a reeve fired and a new mayor elected. That, of course, was the famous case of the Bayview ghost. It's in all the annals of what the Ontario Municipal Board did, and what they did wrong, in fact. That is because the Ontario Municipal Board, in its wisdom in those days, going back to the 1950s and early 1960s, decided there was going to be an apartment building built in the Don Valley. Without getting all the approvals and crossing all the t's, the Ontario Municipal Board went ahead and started building what became the Bayview ghost. The reason it got called that is because in mid-construction it suddenly had to stop because there were appeals and court appeals by the then township of East York. The mayor was all gung-ho on following through with the Ontario Municipal Board. In fact, the person who came to challenge him, one True Davidson, was opposed. It finally ended up in the courts and then was decided by a cabinet order, something that doesn't happen anymore, which forbade the building to be completed and said that the building of an apartment building on that site was inappropriate.

Skip forward a number of years to when I was mayor of East York. There was an application. The land was eventually sold. This would have taken some 20 or 30 years. The land was sold. There it was before us, and as a municipal council we had to determine what to do with that land. Did we follow the Ontario Municipal Board? I don't think so. Did we follow the courts? We couldn't even do that. In the end, what the council had to follow



was the decision made in cabinet—the last time we believe that ever happened—overturning the decisions both of the board and of the courts and to do what the cabinet of the day said, and that was to build a limited number of homes in the Don Valley. If you drive up Bayview Avenue or the Don Valley Expressway—some like to call it the Don Valley parking lot, because of the slowness you often have to travel—you will see those homes. Those homes cost well in excess of \$1 million today. They are huge homes. Because of the limited number of homes that could be built, they were put on fairly small parcels of land, but they are some 4,000 to 5,000 or 6,000 square feet each. They're magnificent homes that are perched on top of a little promenade in the valley. That's what has happened.

So East Yorkers and the people whom I represent are hugely interested in this bill. They're interested because they understand where the Ontario Municipal Board has been in the past, but they also understand the many, many problems that need to be resolved so that incidents like the Bayview ghost don't happen again in our community or anyone else's.

It's instructive to note that there is not a British Columbia municipal board or a Saskatchewan municipal board or a Quebec municipal board. In fact, there are no other municipal boards for any other provinces or territories in Canada. We have the only one. I have often stopped to ask myself why we in Ontario are so insecure that we need to have an Ontario Municipal Board, or a municipal board under any name or guise. The reality is that every other province and territory in Canada trusts the municipal councils and the courts to do the right thing. We do not. In this province, we do not. In spite of what you hear on the other side of the House about our municipal partners, they are not really municipal partners, because this government and previous governments have not trusted the municipalities to do what is right. They have an Ontario Municipal Board with people whom they appoint to pull the strings and to make the regulations so that the Ontario Municipal Board follows what the province wants and not so much what the municipalities or the individuals who live in those municipalities want.

From its inception, the municipal board, when it was dreamed up all those 50 or 100 years ago—and it has gone through many guises over the years—was set up because it was felt at that time, given the process in Canada, that most municipalities were singularly incapable of making the really complex decisions that would often have to be made. Municipalities were small. Most of them were rural. Most of them had very little money. They had little in the way of expertise by way of lawyers or planners or people who knew about transportation systems or environmentalists, if there was an environmental problem. So it was better to leave all of that to the Ontario Municipal Board.

A great many things have happened in the last 50 to 100 years in Ontario. First of all, we are no longer a rural province. The number of people who live in municipi-

palities of under 10,000 people or in rural or northern areas is now down to 15%; 85% of all the people in this province live in municipalities of 10,000 people or more. The city of Toronto, in which this building is located, has 2.5 million people; the greater Toronto area, five million people. That's out of a total population of 12 or 12.5 million people in this province. People are concentrated in very large municipalities. In fact, the majority of people live in just 10 or 12 municipalities in this province. That's the majority. You can name them off: They're Hamilton and Ottawa, they're Mississauga and Markham, they're Toronto; they're the big ones. That's where the majority of people live. These municipalities aren't little communities. They all have lawyers and expertise, they all have environmental engineers, they all have planners, they all have people who know about traffic systems and transportation engineers. I will tell you that in each and every case they are fully capable of making their own decision, and in each and every case they do not need an Ontario Municipal Board.

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Now, it can be said, and I would admit, that there are still some small rural municipalities in this province that may have such a need. But there should be a clause here that would allow those municipalities, those big ones, to be exempt. In fact, this province should exempt them from the outset.

You know, the Ontario Municipal Board has for many years done *de novo* hearings. For those of you, especially those watching TV, who do not know the phrase, it is Latin, meaning "from the beginning" or "brand new" hearings, so that they actually start it all over again. Even though the municipality may have dealt with it in its totality, the evidence is presented brand new again. That's the reality of what they've done. There will be some tinkering around the edge with this, perhaps good, perhaps not, but I'll get to that in a moment.

In the majority of cases, the municipal interest is known, because the municipality—the council, the mayor—they sit down and they make a decision. They say yes to this development or they say no to the development. They put conditions, they do site plan approvals, they do zoning, they look at the official plan. They do everything that is necessary, that the lawyers advise them to do, that the planners say is necessary under the act, and usually the municipal interest is known. There are, though—I can think of a couple of exceptions. One is, if the developer is satisfied and has reasonable cause for bias, they can go beyond the municipality. That can be bias either by the municipality itself, or I remember the celebrated case we had once in East York where a ratepayer president told the developer that it didn't matter what he did, they were going to appeal it anyway. Well, the developer went right to the Ontario Municipal Board, even though the municipality in no way was privy to that statement, nor did we participate, nor did we believe in that statement. They were allowed to go straight to the Ontario Municipal Board because the ratepayer president had simply said



they were going to appeal the decision, no matter what it was anyway. There's a perfect example of what happens.

The more common one is where the municipality has not met the timelines. I have to tell you, this is often a very difficult thing for municipalities to do, because developers got very good over the years at putting in new applications or changing the application during the time frame, which was at one time 90 days. It has now been expanded, which is a good thing. But they got very good in renewing, renewing and renewing what had to be done and what their proposal actually was.

You know, when the minister stood up and announced that there was going to be a reform and there was going to be this new Bill 51, I held my breath for a moment, and I remembered back to those heady days leading up to the last election. You see, as a critic for the New Democratic Party, it was my job to go out and to debate with others about where we should be going around OMB reform. I remember two debates in particular: one with the now Minister of Citizenship and Immigration, where Mr. Colle bluntly and forcefully and, I think, quite heroically, called for the abolition of the Ontario Municipal Board. So I was half expecting there, if Mr. Colle held sway in cabinet, that we might have seen the abolition of the Ontario Municipal Board. But that was not to happen. I remember another debate which I had with and in the presence of the now minister of infrastructure, Mr. Caplan. Although he did not advocate the abolition of the Ontario Municipal Board, he certainly did, in very strong and eloquent terms, talk about circumscribing the power to make sure that the Ontario Municipal Board retained little if any of its authority when it came to land use planning. That's not there either.

I was hoping that the Ontario Municipal Board would lose its authority to override democratically elected councils, and that is not what I see here either. The first things I always look for in any bill related to planning or development or the Ontario Municipal Board are those telltale words which I found in this act. Those telltale words are "have regard to" the decision of the municipal council. This is the weakest possible term that can be used, and yet it is the term that this government chose to put in its first draft of the bill, the one we have before this Legislature.

I remember all of the debate, some months or years ago now—time flies here—on Bill 26, the Strong Communities (Planning Amendment) Act, 2004. So I guess it's a couple of years ago now. The government at that time chose to use the words "have regard to" the decision of the provincial policy statement. But after much debate in this House and in committee hearings, being pilloried by some aspects of the press, and having municipal councils and ratepayers' groups say that this wasn't strong enough—along with I think NDP speaker after NDP speaker—and asked that we change those words from "have regard to" to "be consistent with" provincial policy statements, it was eventually changed. I believe that this government has to do the same thing with this bill. Now, you might be taking a huge leap of faith if you

do it, because it's not "having regard to" or "being consistent with" a provincial policy statement; it's being consistent with the wishes of the democratically elected council of the municipality in which the decision is made. What you're going to have to do and what you're going to have to say, and what you're going to have to commit to paper if you say that, is that it has to be consistent with the wishes of the democratically elected council and the people in that municipality.

I believe that should be done. I think if you truly believe that these are your municipal partners, as you stand up and say in the City of Toronto Act, the new Municipal Act and in all the other acts in which municipalities have a say or a role, then you really must give them that authority. You must give them the authority to fly, and you must also give them the responsibility and the consequences if they choose to fall on their face, because really that's what ordinary people look to. They look to their elected representatives to make the right decision, and if they choose badly or if they make the wrong decision, then that's what the democratic process is all about: finding better people who can do it right. Obviously, this is going to be a bit of a thorny issue.

The reality of this bill is that it formalizes again the parent-child relationship in the process. It says that these municipalities are creatures of the province, and that this bill, the Ontario Municipal Board, this Parliament and this government can override their concerns. Some municipal councils might like that. Some municipal councils might approach you and say that this is a good thing, because there are some councillors and some mayors who prefer not to make those difficult decisions, who are more than content to do whatever they have to do at stage 1 and send it off to the Ontario Municipal Board and say, "It's not up to us. It's up to them. The bad decisions don't have to be made by us."

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I think where this often happens is in terms of public housing, where municipal councils do not want to have to make those difficult decisions of putting public housing into the municipality, into neighbourhoods where people are upset about it, where there is the NIMBY factor, where all the other things happen in political life that get local politicians upset and fearful of their own demise. So very often they will vote no, knowing full well that the project is correct, that it meets all the standards and that it meets the official plan, the zoning. They vote no and send it off to the Ontario Municipal Board, fully confident in their own minds that in a matter of weeks or months or however long it takes, it will be reversed. That is not the way to deal with those types of developments. The way to deal with those developments is to make sure the municipalities have the final say. They need to know they have the authority and they need to have the guts to make the decision in the first place.

We also know that some municipal councils do this because it's simply easier not to upset their developer friends on occasion and vote for those people who are generally kind of generous when it comes to electoral funds once every three years—now every four.



I'd like to talk about the OMB and citizens' groups. This is the whole aspect of the bill that says, "New information cannot be presented at the hearing, except by the ministry or government agencies." It will still be possible for ministries or government agencies to put in information right up until the time of the hearing. This may be very useful in terms of environmental impacts if it has taken a long time for them to come about, or if some new information was not present at the hearing and the ministry was unaware of the hearing or needed time to accommodate it. It's in there.

It's not in there so much for municipalities and it's certainly not in there for citizens. This is not a provision that is going to be harmful to developers. I will tell you that most developers, the overwhelming majority of them, even though they take a long time to finalize a proposal, are very good at putting everything together, whether it be the report, the studies, the legal briefs, the requirements under the Planning Act, the zoning or whatever. All of that invariably is done, and done well, prior to the time of the public hearing. The fact that they can't change it after is a good thing. The fact that most of them don't need to change it at all is the reality.

But often you cannot say the same thing for citizens. They will be severely limited under the proposals of this bill in a way they have never been limited before. They will be rendered largely irrelevant, should this bill pass, and I'll tell you why. They're already disadvantaged. You know they're disadvantaged. You know they don't have the money of the big developers. You know they don't have the lawyers or the expertise. You know they don't have the planners. Oftentimes what they have is a sense of their community and their neighbourhood that they want to preserve.

Just to give a little indication about this, I remember specifically the Leaside Property Owners' Association, which still exists, although in a very much smaller and somewhat diminished form. This is Canada's first, largest, most successful and most powerful local rate-payers' group. Without a doubt, people who knew about this group knew how successful it was. They had an executive. People ran for the executive and almost every position was contested. That's how much interest there was in the community. When they would hold the annual election, there would always be a couple of people running for president, vice-president and treasurer. They'd always be running. It was a real privilege to go there and hear the debate about the community. Whether or not they were looking for stop signs or road closures, whether they were looking for new development, they were there.

But that group fell upon very hard times because of the Ontario Municipal Board and because of development aspects in Leaside. They fell into hard times not because it happened once, but because it happened repeatedly. It happened when an old industrial site at Brentcliffe and Eglinton was about to be shut down and sold. I think you all remember that a group called Bramalea Development Corp. wanted to come in and put up

nine or 10 apartment condominium towers on the site, and it caused considerable angst in the community, huge angst in the community. The Leaside property owners went about trying to fight that. They raised funds, they got a lawyer, they came to council, they went to the OMB. In the end, Bramalea went bankrupt; it ceased. But they had expended a great deal of time and money in the process up until when the Bramalea group went into bankruptcy.

Subsequently, the land was purchased and sold and developed by an alternate group that came in and wanted to build much the same thing, and the whole thing went through the Ontario Municipal Board again, with the expenses of the lawyers and the planners. All of the money had to be raised locally. They unfortunately expended far more than they had, hoping they would be able to get money from the community to keep it going. But when they lost at the Ontario Municipal Board, as unfortunately they did, the money dried up. They found themselves close to bankruptcy because they had tens of thousands of dollars in expenditures that they had authorized to fight this proposal and no money to pay it. Eventually, though, they did get the money back and did get it back together, only to find that the developer had changed his mind on what was to be built on this site and came in with a third proposal, the one we see at Brentcliffe and Eglinton today, which is hundreds of rental townhomes, one of very few rental properties built in the city of Toronto in the last number of years.

It's there, but the reality is that the Leaside Property Owners' Association has never recouped those financial losses. Although it continues to exist, it has been very difficult—near impossible—for them to mount any of the same kind of OMB actions they did in the past.

Often for community groups, the OMB is the first place they proffer or put forward their expertise, and that's logical because if a group is going before its local council, they have no way of knowing how the council is going to react to a proposal. I don't blame them for not wanting to spend great deals of money leading up to a council meeting, because what they have known in the past is that the council meeting is there but there's always the OMB after if you don't want to spend the money. It makes more sense to hold on to it and see what the council is going to do and then plan your strategy from there. So oftentimes these groups do not want to bring the expertise, do not want to pay for the expertise and simply don't have it. They trust their municipal councils to do the right thing. If the municipal council does the right thing, they walk away, sometimes feeling very happy. If the municipal council doesn't do the right thing and sides with the developers against the community interests, it is at that point that they decide and pass resolutions to raise the monies and find the expertise. This is the way it happens.

How many community groups, given this bill, are going to go out and hire a planner, a transportation engineer, an environmental engineer, a lawyer and anyone else they need in anticipation that the municipal



council might not vote the way they want? If they don't do all of this in the beginning, under your bill, they are constrained and it is made impossible in law for them to present that new evidence at the hearing before the Ontario Municipal Board. Can you see what you have done in the bill? You have made it imperative that each and every one of these small community organizations across Ontario spend whatever little resources they have in advance to make the case before the municipality, even when the municipality might be on their side, because failure to do so will mean that they cannot bring that evidence forward at a subsequent OMB hearing.

1710

I hope the members in the government have thought about what this is going to do with those groups in your particular ridings. We know that it will be very difficult for them, if not impossible unless they have deep pockets, to raise the money in advance, figuring that there may be an appeal down the road. We know that in the end they will be handicapped when it comes before the Ontario Municipal Board. I am asking the members to look very carefully at this. I believe that citizens should be exempted, the same way that ministries are, from presenting evidence at the OMB hearing that was not presented at the hearing before the municipal councils or the committees of adjustment.

I'm asking you as well to look at intervenor funding. There's nothing in this bill dealing with intervenor funding. Look at the groups that are opposing some of the bigger developments in Ontario today. If a gravel pit is to be located in suburban, rural or northern Ontario, or if a building is being built in an urban place, contravening the official plans, invariably these will end up going to the Ontario Municipal Board. As I've said before, these are long-drawn-out affairs. They could involve a great many areas of expertise, including heritage buildings and ground locations of ecological significance. In terms of my own municipality, I think about the Brickworks on Bayview Avenue, which were ultimately saved, again, not by the municipal council or even by the OMB, which were both bound and determined to build houses, apartments and condominiums on the flood plain of the Don River—I have to laugh when I talk about it, even to this day—but by a very courageous decision made in cabinet by the then-minister, Lily Munro.

**Ms. Horwath:** She was from Hamilton.

**Mr. Prue:** She was the Liberal member from Hamilton, who made a courageous decision, and so did the government of the day, to turn the Brickworks from being a housing development into an ecological site which today I invite any of you to come to, to see how magnificent that old quarry has become and how it is drawing people, not only from all over Toronto but from all over Ontario and Canada and around the world to see how that could be redeveloped. But I digress a little.

The reality is that this is very costly without intervenor funding. I've already talked about the Leaside Property Owners' Association, but you can revisit that in every single municipality and riding in this province. It is costly.

In researching this, I found a very good quote that I would like to read into the record; it is a few lines long. The quote is by a Ms. Monique Atherton of Vinemount, Ontario. This was a quote taken when Ontarians were consulting on OMB reform back in 2004. I quote her in full from her argument:

"Interpretation, selection and presentation of data by an expert can vary widely, depending on the position the expert is supporting. A peer review and/or consultation with independent experts early in the process may reassure citizens, making a hearing unnecessary, or it may facilitate a settlement or help to refine outstanding issues. If the board considers expert testimony to be the best evidence, as it seems to be the basis for OMB decisions, then all parties should be able to provide this best evidence on issues where the board is considering the public good. Funding for experts and lawyers could be made available for parties determined to be acting in the public interest who do not financially benefit from the investment in the services of these professionals. Without this best evidence from all parties, the board is only determining what position can afford to purchase the best evidence—a determination which hardly requires a public hearing of issues."

She was absolutely right when she said that, and it remains as true today as it was in 2004.

I looked at the bill and thought, "How do we resolve Ms. Atherton's concern?" Well, quite frankly, this bill does not, because there is nothing in here that allows for intervenor funding. It has been totally and completely ignored within the body of this bill.

Municipalities stand to make some savings if this bill goes through, but they also stand to lose some monies where they are required to pay and are not now. But there is no such relief for citizens. In the case of citizens, they lose and they lose and they lose. In fact, should this bill pass, they're saying that what they have to say, what they can bring to bear before the Ontario Municipal Board will virtually be non-existent.

I'm thinking about a couple of groups that are out there now who are struggling against tremendous odds and who probably could use some financial assistance but don't have any. One is the Save the Rouge group, who are working very, very hard to try to undo some of the mistakes being made in north Leslie. There is another group, called the Concerned Citizens Coalition of Caledon, fighting the James Dick Construction quarry in that neighbourhood. That's the CCCC. I think they came up with quite an alliteration there: Concerned Citizens Coalition of Caledon. They too are in some degree of financial stress over having to take this, or potentially having to take this, before the Ontario Municipal Board.

We believe that all citizens should have an opportunity to express themselves before the courts or before quasi-judicial bodies of this province. It's simply not there, and we think that's a mistake.

I finally get to what I consider to be the single most perplexing problem of this bill, and that is section 23. Section 23 is wrong. Section 23, if enacted, will take



away citizens' rights to an extent that they have never been taken away before in the province of Ontario. I don't want to sound too alarmist, but I am afraid I must, because what this section does is allow private energy development to be virtually exempt from the planning process. It means that anyone who wants to build any facility that has more than two megawatts of power produced from it is exempt from the planning process, from the Ontario Municipal Board, from municipal concern. It simply exempts these people.

I know that this province is in a bit of an energy crunch. I can listen to the blame game here every single day, if I want to come in here, about what your government did or that government did or what three governments down the road did or did not do. I can hear it every single day. But the reality is that we need to have some local control. If you believe that the municipalities are our partners, if you believe that the citizens must be listened to and their will adhered to, then you have to give them the authority to have input to the planning process of large, publicly or privately owned facilities that will impact upon their lives.

My community, in the last few months, has gone up and down a roller coaster ride over the Portlands. The Portlands is a very large energy project which virtually no one in my community or the greater Toronto area wants to see built. There are some who fear that a loss of electricity is more important than the planning, and they wouldn't care if it was built anywhere, provided it's not built in their backyard, as long as the electricity continues. But for the majority of people who have looked at this development, they know that this is the harbinger of things to come. They know that if section 23 in this bill passes, it will literally be impossible for them to have any say as to where energy sites are located.

This one is 500 megawatts. It's a large facility. It's going to be built in the port lands. The people who oppose it are the mayor, the council, Robert Fung, the czar of the port lands—that's the title they gave him. I'm not sure what his official title is, but he is the man who is responsible for developing all those lands into what we hope will be the jewel of waterfronts of all the municipalities on the face of the earth.

1720

We've seen what other municipalities have been able to do with smaller parcels of land and more decrepit pieces of land. We've seen Canary Wharf. Our staff and I personally have been to Barcelona to see what that decrepit waterfront was turned into. We know that people around the world are taking their waterfronts and turning them into vibrant, alive community places where people can live and visit and where there are wonderful parks and playgrounds. Yet we in this province can think of nothing better to do with the port lands, we can think of nothing better to do with that site, which is located right on the water in full view of the downtown, than put a mega gas-fired electricity generating plant on it.

The community is opposed, the neighbours are opposed, the municipal councillors of the area are opposed,

the local politicians are all opposed, but this is what is being put there. And it is being put there over everyone's issues, because it has been said that the land has had very small consultation in terms of whether or not it is environmentally proper. The public certainly was not involved in the process, and the process was so truncated that it did not even include soil tests. We don't know what is underneath whatever is built, whether the soil is contaminated and whether it's going to be removed or how it's going to be removed. It's not even part of the process.

This is the future for every municipality and every group if someone determines they are going to site an energy project larger than two megawatts. To put it into perspective, that's just about anything you could possibly build. Two megawatts is not a huge amount of electricity. It will make it literally impossible to question whether it is an appropriate site for a new nuclear plant, should someone come along and want to build it. It will make it virtually impossible, should someone decide they want to do energy from waste—I've seen some discussion of that in the newspaper, just east of Toronto. If someone wants to cart in waste and burn it, it will be literally impossible for the people who live in close proximity or the town council to have any say over it.

It will make it impossible for other mega gas plants; it will make it impossible should this government or any government decide that they want to start burning sewage sludge, as they do in Hamilton and as they did in Toronto until quite recently, with all the problems that caused to the people of Riverdale and the Beach, with asthma in the children, with the high levels of lead and concentrations of dioxins. It will be impossible, because there is no opportunity for the municipality to say whether that is an appropriate location or whether it's being built in conjunction with the city's official plan. I put it to you that if we pass this bill and the Liberals lose the next election to the Conservatives, it would even make it possible, using the existing law you are going to put in place, for the Conservatives to re-fire the coal plants or build new ones, and there's nothing the municipalities could say about it. There's nothing the municipalities will be able to say about it.

Section 23 is a horrendous piece of legislation. I'm asking you to think very carefully about what you're doing and the consequences of those actions. It will give unfettered access to every piece of land that any energy developer wants to build on, without the safeguards of the community, the Ontario Municipal Board, the municipal council or anyone else, provided it's bigger than two megawatts. If it was the reverse and it was smaller than two megawatts, I might be able to understand that. I might be able to understand how a farmer might want to make methane from cow dung. I can understand that. I might be able to understand a windmill operation. I might be able to understand biogas. I might be able to understand an ethanol plant. I might be able to understand a whole bunch of things in a farm community that would benefit the farmers generally.



**Hon. Steve Peters (Minister of Labour):** They don't want your septage any more, by the way.

**The Deputy Speaker:** Order.

**Mr. Prue:** I know that, you know that, but here's your bill that is going to force it all. I have to tell you I don't know why you put this in here and I hope you'll take it out.

I was not aware that this was in the bill until a couple of weeks ago. I would like to publicly thank my friend, a woman I haven't seen for a long time, Bonnie Lindsay. She was the parks and recreation director in the former borough of East York. She worked with us for a number of years and was quite a dynamic individual. She moved out to Georgian Bay. She did alert me to this, which I thought was preposterous, that it could not possibly be true, until we did a little bit of research to find out that section 23 did in fact exist. Her town council was justifiably upset about some of the siting plans for the windmills. As I said, I consider that to be the least obtrusive of any of the energy plans, but I can still understand that the town council likes the idea of windmills but not on the particular site that has been chosen. They believe there is an alternative and better site and wanted to participate and to pass the zoning and planning that would permit for the use of windmills, albeit a few hundred metres or a kilometre down the road. They're not going to get that opportunity.

We believe in local control. We believe that cities and municipalities, properly instructed and in good faith, can make the decisions. We don't believe in the Ontario Municipal Board. But at the same time, if this government is convinced that the Ontario Municipal Board is going to stay, we think citizens have to have the same rights as developers. We think there needs to be an opportunity for intervenor funding. There needs to be an opportunity to present evidence by citizens after the fact. There needs to be an opportunity for people of goodwill to be involved in the shaping of their communities and of their neighbourhoods. We also believe that section 23 is wrong in law. We think that it needs to be deleted.

I would like to close by talking just a little bit—again from the same woman. The same Monique Atherton of Vinemount, Ontario, concluded in her speech before the ministry's consultations on OMB reform, again from her submission, because she said it so brilliantly and so well: "Instead of looking for better ways to encourage more individuals to participate and speak to the board, a more productive approach would be to look for better ways for the board to listen. If the public sees that the OMB is responsive and that its decisions appropriately reflect their concerns regarding land use planning, then this will provide incentive for individuals to participate. The cosmetic reforms currently being considered will not be sufficient to create a process in which the public can participate in an effective and meaningful way."

To conclude, and I think she has concluded it best for me, I would simply ask that this government, in sending this bill to committee, be prepared to remove section 23, be prepared to spend the necessary funds to empower

citizens, be prepared to let citizens have an equal say with developers before the OMB if it is to continue, and you should be prepared to make those changes before this bill is brought back for third reading.

**The Deputy Speaker:** Questions and comments?

**Ms. Deborah Matthews (London North Centre):** I'm delighted to rise and speak on Bill 51. This is such a big step forward for us in land use planning. My background includes my work in the development business. I know how development works, I know the challenges and I know the responsibilities. I'm also a demographer, so I understand the population pressures that we're going to be facing in the coming decades. So I know how important it is that we have good, sustainable growth. This bill sets the framework for that kind of growth.

**1730**

What I want to talk about today is the provision in this bill that allows municipalities to establish architectural design guidelines. In my riding of London North Centre, we have an absolutely beautiful old centre of the city, which for the most part remains a very pleasing streetscape. There are, however, challenges to maintaining that pleasing streetscape in times of growth. What this legislation will do is allow the city to set the guidelines so that new development will be compatible with the existing buildings. That's critically important in my own neighbourhood in the centre part of the city where houses were built over a hundred years ago. There has been new construction in that neighbourhood that has really soured the streetscape. I'm delighted that in the future that won't have to happen because of the provisions within this legislation.

Let me just say this is good legislation. It will have a direct impact in my neighbourhood, in my riding.

**Ms. Horwath:** I'm actually going to make some comments on the remarks by the member for Beaches—East York. I think he gave a very salient review of the bill. Since this is the questions and comments portion, I think it's appropriate for people to acknowledge that the comments made by the member are from his experience, as great and deep as it has been, when he was the mayor of the city of East York.

He went to great lengths to describe the practicalities of the current regime as well as how this bill will affect that current regime. In so doing, of course, he raised issues about the Bayview ghost. I didn't know about that story, but I do now.

He raised issues of concern about the number of people living in municipalities, the number of people living in denser urban areas as opposed to more rural areas.

He talked about the fact that the language in the bill is not strong enough because it only speaks to having "regard to" the decisions of municipal councils instead of being more firm and more strong in its reference to municipal council decisions. The government could have chosen words or language like "to be consistent with the decisions of municipal councils."

Notwithstanding some of the comments from some of the government members about the partnership that this



bill is supposed to be reflective of, it certainly doesn't sound like the great respect is there for the decisions of municipal councils because of the very weak language that is in here referring to municipal council decisions.

Also, very important issues around section 23 and the process changes that are going to allow for siting of facilities without proper environmental assessment processes are very big concerns, as well as the issues of the ability of people and communities to comment on the process, which unfortunately this government doesn't seem to be interested in.

**Mr. Bill Murdoch (Bruce-Grey-Owen Sound):** It gives me pleasure to speak for a couple of minutes on this bill that is quite complex. It's a piece of legislation, again, that we aren't going to know what's in it until we get the regulations. This is a problem I find with all governments, even our own. We get some real complex bills and then we're expected here—I guess, as opposition, we can always be against it. Sometimes it would be nice to be in favour of a bill, but it seems to be hard to do that on any bill if you don't know what the regulations are going to be.

This is one of those bills that is so complex that a lot of the bill can mean a lot of different things until we actually see what the regulations are. Then it's too late for politicians. For people in the market or the builders or whatever, it's too late then. Somehow we need to come up with ways that regulations can be brought forward and brought out when we discuss bills of this intent.

I don't mind that we look at the OMB. When you're a municipal politician, you always have trouble with the OMB. I can remember many times, when I was a reeve and councillor of my municipality, we'd say, "Oh, boy, here we go to the OMB again. They never listen to us." So I can understand that we need to do something with the OMB, but with this bill, I don't know, it may have gone too far. Listening to the speaker, I know he has concerns. I have to go along with the last speaker, that there are a lot of concerns with this bill.

**Mr. Ramal:** I was listening carefully to the member from Beaches-East York when he was talking about the bill. I know he raised a lot of concerns. I respect his opinion. Especially because he had been the mayor for his community for a while, he understands the complexity of the issue. But I also hope he accepts the need for change of the OMB in order to give the municipalities some respect when they plan, especially when they want to make some kinds of changes to their communities.

He knows—he probably faced those issues—that when the OMB decided against his wishes and his will as the mayor of his community, you see the frustration. I think this bill would give the municipality some kind of flexibility for their decisions, their planning, to be respected, because every municipality across the province has distinctive needs, has different needs. I think the mayor and the municipal councillors know exactly what they want, whether they want to reform their area, whether they want to establish something to benefit their community, or for instance in the Toronto area, enhanc-

ing the lakeshore to make it attractive for many tourists to come and visit the city of Toronto, or Beaches-East York, Windsor or London, Ontario.

When we give municipalities more say in many different things, as elected officials representing the local municipalities or communities, I think they know exactly what they need. That's the intent of the bill: to reform the relationship between the OMB and municipalities with great protection, with great support from the province of Ontario because we believe, as a province—I was listening to the member from Bruce talking a few minutes ago about his frustration when as a municipal councillor he used to go to the OMB. That's why there's a need, badly, for this bill, in order to put all the pieces together and help the municipalities across Ontario.

**The Deputy Speaker:** The member for Beaches-East York, you have up to two minutes to respond.

**Mr. Prue:** I would like to thank the members from London North Centre, Hamilton East, Bruce-Grey-Owen Sound and London-Fanshawe for their comments. It's difficult for me to deal with the members from London North Centre and Bruce-Grey-Owen Sound because they really did not say anything that I had spoken about for 45 minutes. So I welcome what they had to say but it wasn't about my speech.

Member from Hamilton East, thank you very much for your kind words. You did obviously pay attention because you were using all the same words: "consistent with," Ontario Municipal Board, "ratepayers" and "funding."

But I'd like to deal with the member from London-Fanshawe most because he believes that this bill is going to empower municipalities, and in part it may. It may. I'm not going to say that it does not. What I'm trying to say to you is that it empowers municipalities not in the ways you would want to empower them. It certainly gives them no power, in section 23, over any large energy development within the municipal boundary. That is huge. Any municipality will want to have a say on a nuclear facility, on gas-fired generation, on coal-fired generation, on any kind of waste or waste development. They will want to have it; they're no longer going to have it.

At the same time, where the power is being lost is with the ordinary citizen. It's all right to empower the municipality, but if you take the power away from the ordinary citizen to go before the Ontario Municipal Board, either through lack of funding or because they are no longer allowed to file documents, as I said in my speech, then you are going to do a real disservice to the process in this country and in this province. Whether you assist the municipality or not, if you are harming the individuals who elect their officials from that municipality, in the end, you're not doing the right thing.

1740

**The Deputy Speaker:** Further debate?

**Ms. Matthews:** I appreciate the opportunity to speak at more length on this bill. I think the important thing I want to say off the bat is that this government has a



vision for what our communities are going to be. We are committed to building healthier, stronger, more livable communities. It's important that we leave as our legacy communities that are in fact healthy and well planned, and this legislation is just one in a long list of things we've already done in the short time we've been in government to make our future cities something that we can take pride in.

I think some of the steps we've already taken speak to that vision and speak to our commitment to building strong and healthy communities. Above all, what we've done with the greenbelt plan is something that I know I will take great pride in; I already do. All of us in this House will be able to show our grandchildren the greenbelt that would not otherwise have been there had we not had the courage, the determination and the vision to make that happen. Our Places to Grow Act and our proposed growth plan for the whole greater Golden Horseshoe are critically important initiatives that this government has taken. Our provincial policy statement on land use planning, our proposed clean water legislation—all of these things will make for a better future in the environment in which we live. I think when you look at the 2006 budget and see the absolutely tremendous investment that we're prepared to make in public transit, again, that speaks to our commitment to building strong communities here in Ontario.

I'm one of these people who thinks that we have to find a balance between what the private sector can do and what the government should do. Leaving development to the private sector the way the previous government did, when they took a hands-off approach and said, "Let the market decide," is an approach that I don't think produces great communities. I think government has a critically important role in setting out the parameters of what's okay and what's not okay. It's our job to look after the public interest.

I spent part of my weekend by the Thames River in London planting trees, and I saw the result of the vision that people decades ago had. In London, we're blessed: We have the Thames River running through our city, with the north branch, the south branch and the main branch. That is one seamless pathway system along the river now, where people can run, cycle, rollerblade, push strollers, push wheelchairs and enjoy the nature. That is a result of a public and private partnership that many decades ago—and I'm proud to say that it was led by my dad, Don Matthews, a good Brantford boy. He was part of the team that had the vision to build what is a legacy for future generations. So I'm a believer that the government must take a very strong role in the creation of our communities.

Before I go back to what this legislation will mean for my community, I want to talk about what this bill is really all about. First of all, it recognizes that our land use planning system plays a key role in shaping the way our province grows and develops. It's important that we're active players on this file. Before we were elected, we made a commitment to reform the Ontario Municipal

Board. What this legislation does is keep that promise, one more promise kept.

**Mr. Jeff Leal (Peterborough):** Amongst many that we keep.

**Ms. Matthews:** Amongst many. Every day, we're moving forward on the agenda that we were elected on.

Some of the highlights of this bill: This bill gives more tools to support intensification and sustainable, well-designed communities. It's critically important that intensification happen, because urban sprawl is a thing of the past. We must have more intensified neighbourhoods.

I mentioned a little earlier that I live in an old neighbourhood in the centre of the city. We're blessed with having lots of students living in the neighbourhood, but we also have more and more young families moving downtown, so there's more demand for housing, which is exactly what any disciple of Jane Jacobs would say you need to keep a city centre vibrant. We need intensification, and this bill will allow that intensification to happen in a sustainable, well-managed way.

The second thing this bill does is create clear rules and a more effective planning process. Many of my constituents who had to try to fight at the OMB found the rules pretty mind-boggling; they spent enormous amounts of money on lawyers. This lays out a much clearer guideline so people know what they're up against and what they have to do. It's a much more transparent process.

I think the fact that we will require people to lay all the information before city council before it goes to the OMB is a really good move. The proposals will be complete, and new information will be referred back to city council for their comment. That's a critically important change in the way the OMB will function.

This actually restores the OMB to its original purpose. It's a place to resolve disputes; it is not a land use planning body. So we're going back to disputes. That is the function of the OMB; it should be the function of the OMB. I think this legislation is actually a giant step forward. But I'm not the only person who thinks this legislation is a big step forward. I might just quote a couple of people who are on the record. This is supported by many people from diverse backgrounds. I'm just going to comment on a couple.

We all know David Crombie, a man we all admire. Regardless of political stripe, I think David Crombie is a man we all have tremendous respect for. He was a Conservative back before they took "Progressive" out.

**Mr. Leal:** He was a visionary.

**Ms. Matthews:** He was a visionary. He saw. He was the champion of urban planning long before others in this country. Here is what David Crombie said: "With these latest reforms, the government continues to move forward in redeveloping brownfields, promoting good urban design and building more sustainable communities." This comes from David Crombie, who, as we know, is a former Conservative member.

**Mr. Leal:** A great mayor of Toronto too.

**Ms. Matthews:** And, of course, mayor of Toronto.



Lisa Bate, of the Ontario Association of Architects, says, "Ontario's architects are encouraged that the government's planning reform initiative would provide greater opportunities to produce a high standard of design in our communities, and help to focus planning decisions at the local level." That's what we want. We want these decisions made at the local level. These are the people who know their communities. Lisa says, "Taken together, these can improve the quality of our cities and towns and promote environmentally sustainable development. This is definitely a step in the right direction and we look forward to working with government to lead the implementation of these new ideas."

I could go on and on. William J. Phillips, of the Federation of Urban Neighbourhoods of Ontario: "We are pleased that the new proposed legislation would strengthen planning at the municipal level, improve citizen participation in the planning process, provide for more environmentally friendly development and reduce the influence of the Ontario Municipal Board." For neighbourhood groups in my riding, this is a very welcome reform of the Ontario Municipal Board.

1750

I want to talk a little bit about how this will impact my riding. It's important, I think, that I stand here and reflect on how this legislation impacts the people who live in my riding. Most people, when they come to London—if I say I'm from London, they say, "That's such a pretty city." I always hear about what a pretty city London is. It's a pretty city for two reasons. It's a pretty city because the centre was built at a time when the architecture was very, very pleasing to the eye; and of course, the natural environment, the trees, although we have to work harder to plant more trees to replace the old trees that are reaching the end of their lifespan. London is a lovely, lovely city, and I'm very proud to represent part of a city that is so pleasing.

I've been approached by architects in my riding who say that they feel impeded in their ability to maintain the flavour of the architecture in London because the previous legislation didn't permit that. This will actually allow the new buildings to complement the existing structures, and that's critically important for the future of our community.

We make decisions now and sometimes we fail to remember how important they will be long after we are no longer here.

**Mr. Leal:** You'll be the member from London for a long time.

**Ms. Matthews:** I'd like to be the member for London North Centre for a long time, but I'll be long gone, and this legislation—

**Interjection:** Say it isn't so.

**Ms. Matthews:** Yes. This legislation will have an impact long after, dare I say it, all of us are gone, because it will allow better development.

I want to talk about intensification. The proposed changes will include tools that will allow intensification. One of the things that municipalities will be given is the

flexibility to regulate the minimum and maximum density and the height of the development, to build more compact communities that make use of lands and services more effectively. We know that when we have sprawl, we have to build the road in front of the house. Whether it's a compact unit or whether it's a big, old ranch house, there's going to be a road in front of it. We can get way more housing built with less infrastructure when we build a more compact development.

Municipalities will be able to set conditions when approving zoning applications. It will strengthen the municipalities' powers. I have to tell you, I've had many people come and talk to me in my office about the challenges of the planning process that they wrestle with now. It's very, very frustrating for people who convince their local councillors of the wisdom of a decision—the local councillors know the site, they know the neighbourhood, they know the challenges, they know the opportunities, they understand the local nuances of a development—and then it's carted off to the OMB and a decision is made by someone who simply does not have the full extent of the information that they need to make the law. So putting the power back in the hands of the local decision-makers is a major, major, major step in the right direction.

I think the opportunity to set neighbourhood guidelines so that municipalities would have the opportunity to establish guidelines in a given neighbourhood will pay dividends for many, many years to come; for decades to come. I know that I value the decisions that were made by the planners more than 100 years ago, and I think it's important that we carry on that legacy. We can't just let development happen. It has to happen within a very controlled and managed environment.

We need to be fair to the development community. I don't think anybody in this House would argue that the government controls everything. That would be counter-productive and silly, frankly. We don't want a central planning agency.

**Mr. Leal:** No. Not like the politburo.

**Ms. Matthews:** Not like the politburo. What we want is to set the guidelines. We want to let municipal councils set the guidelines and then have them carried out and enforced by the Ontario Municipal Board.

In my riding, we have several neighbourhood groups. We've got the Woodfield Community Association that I happen to live in, we've got the Bishop Hellmuth neighbourhood association, where neighbourhood groups have come together and said, "There's something really special about this neighbourhood, about the scale of architecture in this community." A family that lives in the Woodfield Community Association would be familiar to this House: Clarence and Marie Peterson live in the heart of Woodfield. I tell you, there would be no finer spokespeople for the importance of that neighbourhood than the Petersons, who might even be watching as we speak. They are real champions for downtown living in London, Ontario—

**Mr. Leal:** Leading citizens of London.



**Ms. Matthews:** Leading citizens of Ontario; indeed, leading citizens of Canada, I would say. These are remarkable people, who live within a neighbourhood that works for them.

What this legislation will do is protect the neighbourhood. It will allow for intensification, allow more people to live there, bring more people into the downtown area, but it will also maintain the very neighbourly feel of the neighbourhood of the Woodfield neighbourhood association.

I think the power of the community is enormous and I think that when people in the neighbourhood band together and fight to improve their neighbourhood or fight against initiatives that will harm their neighbourhood, that should be respected. There should be clear rules, and we should have an environment where those neighbourhood groups are strong and can fight the fight, and fight the fight fairly. I can't imagine having my riding without those strong neighbourhood groups, who care so passionately for their neighbourhoods.

In some neighbourhoods, the second residential unit—a basement apartment, for example. This legislation will allow municipalities to designate areas where second residential units are permitted, and there would be no right to appeal that to the OMB. That's an improvement.

I have a lot of students in my riding. I have tens of thousands of students living in my riding. If we can have affordable housing for those students—legal affordable housing for those students—that's a good thing. That is a step in the right direction.

I think the other thing that's very important as we look to the future—and that's what this legislation does—is that we talk about sustainable design so we can build neighbourhoods that are more environmentally friendly and responsible. When I talk to young people, the number one issue for young people always is the environment. They say, "What are you doing to protect our environment?" I think this legislation is another plank in our platform to build more environmentally strong communities. This legislation, again, allows the municipalities, if they see fit, to make those demands on new development.

This legislation is a very positive step in the right direction. I'm very proud that this government has moved forward with it.

**The Deputy Speaker:** Pursuant to standing order 9, it is now 6 of the clock. This House is adjourned until 6:45 of the clock.

*The House adjourned at 1801.*

*Evening meeting reported in volume B.*



**LEGISLATIVE ASSEMBLY OF ONTARIO**  
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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.



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Second Session, 38<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Deuxième session, 38<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)



Monday 24 April 2006

Lundi 24 avril 2006

Speaker  
Honourable Michael A. Brown

Président  
L'honorable Michael A. Brown

Clerk  
Claude L. DesRosiers

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 24 April 2006

*The House met at 1845.*

## ORDERS OF THE DAY

### EMERGENCY MANAGEMENT STATUTE LAW AMENDMENT ACT, 2006

#### LOI DE 2006 MODIFIANT DES LOIS EN CE QUI A TRAIT À LA GESTION DES SITUATIONS D'URGENCE

Resuming the debate adjourned on April 10, 2006, on the motion for second reading of Bill 56, An Act to amend the Emergency Management Act, the Employment Standards Act, 2000 and the Workplace Safety and Insurance Act, 1997 / Projet de loi 56, Loi modifiant la Loi sur la gestion des situations d'urgence, la Loi de 2000 sur les normes d'emploi et la Loi de 1997 sur la sécurité professionnelle et l'assurance contre les accidents du travail.

**The Acting Speaker (Mr. Michael Prue):** I'm given to understand that on the last occasion Ms. Martel, the member from Nickel Belt, had the floor. She's not here.

Further debate? Is there any further debate?

Is the mover of the motion here? Mr. Kwinter was the mover of the motion and he also is not here.

Therefore, the bill would then be for second reading.

**Interjection:** We've got to vote on it.

**The Acting Speaker:** Yes, as soon as I get to it. We're going to do it right.

**Mr. Bill Murdoch (Bruce-Grey-Owen Sound):** Maybe we should adjourn.

**The Acting Speaker:** We can, but we've got to do this stuff first. We'll see where we get.

Mr. Kwinter has moved second reading of Bill 56, the Emergency Management Statute Law Amendment Act. Is it the pleasure of the House that the bill pass? I heard a no.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it. There being more than five members, please call in the members. This will be a 30-minute bell.

There will not be a 30-minute bell. I have here a motion from Dave Levac, the chief government whip, which reads as follows:

"That the Speaker of the Legislative Assembly, pursuant to standing order 28(h), request that the vote on the motion by Minister Kwinter for the second reading of Bill 56, An Act to amend the Emergency Management

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 24 avril 2006

Act, the Employment Standards Act, 2000 and the Workplace Safety and Insurance Act, 1997, be deferred until the time of deferred votes." It's dated April 24, 2006, signed by Mr. Levac.

### PROVINCIAL PARKS AND CONSERVATION RESERVES ACT, 2006

#### LOI DE 2006 SUR LES PARCS PROVINCIAUX ET LES RÉSERVES DE CONSERVATION

Resuming the debate adjourned on April 18, 2006, on the motion for second reading of Bill 11, An Act to enact the Provincial Parks and Conservation Reserves Act, 2005, repeal the Provincial Parks Act and the Wilderness Areas Act and make complementary amendments to other Acts / Projet de loi 11, Loi édictant la Loi de 2005 sur les parcs provinciaux et les réserves de conservation, abrogeant la Loi sur les parcs provinciaux et la Loi sur la protection des régions sauvages et apportant des modifications complémentaires à d'autres lois.

**The Acting Speaker (Mr. Michael Prue):** It's my understanding that on the last occasion the member from Timmins-James Bay had the floor. You may resume.

**Mr. Gilles Bisson (Timmins-James Bay):** As I was saying before I was so rudely interrupted by adjournment of the House the last time—I've always wanted to say that.

**Mr. Dave Levac (Brant):** We'll give you 13 minutes, then.

**Mr. Bisson:** It's 13 minutes, 33 seconds and counting.

It's a little bit odd when you come back after almost a week. It was Tuesday of last week that I had an opportunity to debate this particular bill, and I guess I've got to give a bit of a synopsis of where we're at as New Democrats with it, because some of the members who were in the chamber then are not on House duty today and others are here.

First of all, we support in principle and we support generally what the government is trying to do here. I'm going to put that on the record.

**Interjection.**

**Mr. Bisson:** Every now and then, Bill, it happens. Every now and then, once every 10 years, they bring something to this Legislature that we can agree on.

**Mr. Bill Murdoch (Bruce-Grey-Owen Sound):** We used to call that the bedwetters' accord.

**Mr. Bisson:** Yes, I know, the bedwetters' accord. Exactly.



*Interjections.*

**Mr. Bisson:** Speaker, I'm not going to start debating with these guys. They're going to throw me off.

I want to say the following thing: We generally agree with what the government is trying to do. Simply put, this bill would take the policies by which we manage provincial parks and put them into legislation. I think most of us as members and I think most of the public would look at that in a way and say, "Makes some sense. Why would we take a chance with our provincial parks, where a minister of the crown in any government can decide to come in to work one day and say, 'I want to change a park policy' that would negatively or positively affect the park without having some kind of process where the public would know and there'd be some kind of a legislative accountability etc.?"

1850

The government generally is saying, "We're going to take park policy and we're going to make it legislation." The point I was making in debate on Bill 11 the other day was that generally that's a good thing. But what people need to do is read the legislation. I really encourage those people who were watching the debate last week, and again today, to read the legislation. Go to the Ontario Legislative Assembly website, do a search for "Bills before the House" and take a quick read of Bill 11.

I've laid out a couple things that I thought were worthy of mention as far as what needs to be looked at from the perspective of not really being opposed to it but making sure we don't do something that ends up being entrenched in legislation that we then can do nothing about. You know as well as I do that once something becomes law, it is much harder to change it than if it was regulation. For example, if there is a policy that is a problem for citizens, they can go to the Ministry of Natural Resources and have an easier time trying to convince the ministry and the minister to make a change than if it was legislation.

That was the point I was making the other day. I was saying, for example, that there are a number of things that I think most people can agree on. For example section 7, on page 5 of this bill, sets out the various classes of parks that will be created under this legislation. You've got wilderness class parks, nature reserve parks, cultural heritage class parks, natural environment class parks, waterway class parks and recreational class parks.

Under subsection 7(2), under wilderness parks, it says that you're not going to be allowed to use any kind of motor vehicle within those parks. I think most people agree with that. I would think environmentalists and cottagers and others would probably agree that a wilderness park is meant to be set aside as a wilderness; therefore you shouldn't be allowed in most circumstances—I wouldn't say all—to go running in there with an ATV or whatever because they're trying to maintain the natural heritage that is in the park.

What I said to people in the debate the other day was that you need to look at the rest of section 7, everything from subsection 7(3) all the way over to (8) or (9) or

whatever it might be. Take a look at all of section 7 to make sure we don't throw the net out so far that we put that restriction on other classes of parks that shouldn't be caught by this particular rule.

For example, Mr. Speaker, you and I are afflicted with the same problem: We love to fish. There is nothing wrong with getting in a boat with your one-and-a-half or nine-and-a-half Johnson on your boat, going up a river and catching a couple of fish. You and I have done it many times, and we've had an opportunity to do catch-and-release. I've done it with other members of the caucus we've had the opportunity to do that with. You would know there is nothing wrong with using a small motor to go up a river to catch a couple of fish. We don't want to throw the net so far—pardon the pun; we're talking about fishing—that all of a sudden we find ourselves in a situation where we put a restriction on the utilization of a motorized boat for fishing.

I brought my colleague Mr. Kormos up the Kamiskotia River one year, not to fish—we didn't even bring fishing rods—but we went with some cameras and I brought him up what I consider to be a wilderness river. We went to take a look at what we could see as far as the natural habitat of that river. That day we saw moose, we saw lynx, we saw all kinds of birds, we saw all kinds of really beautiful things that the northern area offers. But we did it with a boat and motor. Can you imagine me paddling a boat all the way up current? I couldn't do it. I need my motor to get me up there. I'm a little bit bigger than most, right? I don't have the energy of some of my friends on the other side who might be in better shape. So I make fun of myself.

My point is, and I think most northern members know what I'm talking about, that we need to make sure the legislation doesn't capture or restrict other areas that northerners and others are used to doing that would impede their traditions of being able to go out and enjoy the outdoors. For example, I know all northern members will share this experience: Every time there's a place that is closed down to access, like closing down a road or not allowing an ATV in or a Ski-Doo or whatever it might be, we get like 15 or 20 people phoning that day. People get upset and say, "For 20, 30, 40 or 50 years our families have been using this area and now all of a sudden we can't go anywhere."

All I wanted to do was to make sure that we indeed do in the legislation what we're talking about, which is saying that only in wilderness parks are we going to put a restriction and we're not going to put it beyond that. I think people need to read the bill and need to look at section 7 on page 5 of Bill 11, an act to amend the parks act. People should look at that.

The other thing I talked about was the really quirky kind of an amendment in here that I think we should look at in committee. I know that my good friend Bill Wrye, who used to be a member in this Legislature, would be really interested in this point because he now works in the government House leader's office. He's the guy who's really the avid—he's walking away now—out-



doorsman in that office. That is in section 9 of the bill. Under section 9, we're saying that the minister has—I believe it's five years; I don't want to read the entire section. Yes, the government has five years after enactment of the legislation to come up with what the regulation is going to be to this legislation. The interesting part is, after five years, if nothing is done, we enact the current policy into regulation. That seems to be kind of wonky. We're kind of saying that if a minister doesn't want to do his or her job, don't worry, we've got an escape clause under section 9 of the bill that says, "Whatever now is policy will become legislation."

Most of the policy is pretty good, but there are a couple of policies that are pretty bad; for example, 21-day camping, an issue that members have heard me raise in this Legislature before, where, for good reason, the Ministry of Natural Resources said, "We're going to stop people from camping more than 21 days in one location and hoarding all the good spots." We understand that in places of pressure, but there are places in my riding where one person will camp the whole summer because nobody else goes there.

For example, I had a constituent in Kapuskasing who with his wife, every year for a number of years, would take his camper-trailer and go up on the Saganash road and camp at a gravel pit that was right by the lake because at the gravel pit you had a really nice view of the lake and it was kind of a nice spot. They were worried about bears and they figured that if they were in a gravel pit, nobody was going to bug them. Anyway, nobody else camps there. Not a person camped there in the years they were there, but under the parks policy 21-day camping is enforced. So that means to say that if after 21 days they don't move their trailer, they get charged. So yes, the policy was a good idea when it came to saying, "In those places where there's big pressure to get the choice spots, you've got to limit people to 21 days so the same people don't keep them all the time," but in a case like this, clearly the 21-day camping policy didn't make sense.

This legislation, under section 9, says that if the Minister of Natural Resources—David Ramsay, Gilles Bisson, Michael Prue, whoever it might be—didn't do their job, the consultation that they needed to do in order to draft the regulation under this new act, the old policy will be enacted as a regulation. Well, do you really want that policy enacted?

I think people need to come to the committee and they've got to talk to us about section 9 of the bill and say, "Shouldn't there be an amendment to section 9 that says that the minister must—not 'shall'—by the fifth day of the act have the new policies done, they have to be posted in the Ontario Gazette, and people have got to have an opportunity to comment on it and, if not, there's some sort of remedy?" I don't believe, at the end of the day, that the minister should be off the hook. That section 9 is a big off-the-hook kind of policy.

The other issue is the issue of parks being created in and around First Nations: Winisk, which is now Peawanuck, in my riding; Polar Bear Provincial Park in my

leader Mr. Howard Hampton's riding; I believe in Pikangikum and, I believe, in one of the other communities—I forget now, but there are a number of communities where the province, over the years—rightfully so—said, "We want to create some new provincial parks," and have gone out and done so. But when they created the parks some years ago, they didn't do a very good job of consulting the First Nations. All of a sudden, the First Nations woke up one day, found out—for thousands of years they'd been hunting in that area, they've been using it for traditional uses, and all of a sudden it became a park. So they no longer were able to do their traditional activities in that area because the province created a park.

We need to have legislation that says, "There's a non-derogation clause," so that First Nations are not impacted negatively on the part of the crown for doing something because they failed to consult. We need something in this legislation that deals with the whole issue of a non-derogation clause.

#### 1900

There was another section that I thought was interesting and that people needed to comment on, and that was the issue of the minister under this act. The government makes a big thing of this, saying that under this act no minister will be able to undo a park. That's not quite true, because in the legislation a minister can undo 2% or up to 100 hectares of land in a provincial park without having to come to the Legislature. Obviously, there would be some political ramifications if he or she tried to do that, but the point is that you have the ability to undo or add or delete 2% of a provincial park or up to 100 hectares, whatever is greater, under this legislation.

But here's the kicker: If a minister decides to basically undo a bigger part of the park, all he has to do is table what he wants to do in the Legislature and have a vote here. People will say that's a check and balance, and I agree. But don't try to sell this as what it's not, because at the end of the day a government has a majority and a government's going to do what it's going to do. Yes, it will pass the scrutiny of the Legislature—I don't argue that point—but don't try to pretend that because the government has a majority, they won't do crazy things. I've seen governments in my 16 years in this place do some pretty darned crazy things. It's sometimes quite shocking as to who did it and why they did it.

I'd just say to the members, again, I think this bill needs to go to committee. I encourage all people who are paying attention to this debate to read Bill 11. Be clear: Once the bill becomes law, and five years later if the minister doesn't do his or her job, the policies of parks in Ontario will become legislation. That could be a problem if we've got bad policy. People really need to look at the legislation and come back and comment to us by committee, either by sending e-mails, presenting themselves before the committee or sending letters to let us know if we've got it right. I have learned, after being here for a number of years, that with the best intentions any government can at times draft bad legislation. I look at



the Municipal Act done by Mr. Harris, which I disagreed with wholeheartedly, and seven pieces of legislation have tried to fix what was the initial problem. This government now has to deal with the problems of the original legislation from eight pieces of legislation ago.

It's important that people pay attention to this bill. I encourage people to read it and give us their comments.

**The Acting Speaker:** Questions and comments?

**Mr. Khalil Ramal (London—Fanshawe):** I listened to the member from Timmins—James Bay last week and today for 15 minutes. I listened to his concerns and comments. Relatively, it's not too bad. Actually, he's not opposed to the bill. He has some concerns, but I'm happy to hear the member reading the bill again and identifying subsection 7(2), which talks about motor vehicles not being allowed in parks because it's not good for the trees, the environment, animals and species etc. But I was confused when he was talking about where motorboats can go. I think it's the same thing with a vehicle. We should be prohibiting all motors, engines or machines from going into parks, because it will have the same impact and the same effect on the environment.

In general, I think it's a very good bill and that's why I'm speaking in support of it. I think if this bill is passed, it will have a great impact on the environment in parks and on the people who benefit from the parks, especially the public, who go for fun for one day or a week or a month, to enjoy nature. I think it's our duty as elected officials to do whatever possible to protect the parks.

Hopefully, I'll get the chance in 10 minutes to explain why I'm supporting this bill and what are the important elements of the bill, and hopefully I'll be able to convince all the members from the different parties to support our government's and our minister's initiative in order to pass this bill. It's good for our environment, good for our nation and good for our province. I think it's good for the people of Ontario. That's why it's important every once in a while to come up with some bills and laws to protect what we have, especially our natural resources. Nature gives us clean air and it's our duty to protect it. I'll be talking again in a few minutes.

**Mr. Garfield Dunlop (Simcoe North):** I'm pleased to rise this evening and make a few comments on Bill 11. Knowing the provincial parks we have and the way they've been handled by the Ministry of Natural Resources over the last I believe it's close to 100 years now, I think we've done a good job of controlling and monitoring our provincial parks. I have four provincial parks in my riding. It's certainly a group of parks in Ontario that are well received. People like to camp at them. They're all on beautiful bodies of water within the riding of Simcoe North.

I do, though, want to point out that there are other parts of the bill that there are some concerns about. I would like to think that the government would like to include a lot of people in committee hearings, particularly groups like our conservation clubs, our federation of anglers and hunters—of course, that may not be just the Ontario federation; that may be a series of groups that we

have across the province that may or may not see things exactly the way the overall federation sees it.

I think that there are a lot of good things in this bill—like the Algonquin forestry industry, for example; I think that's a positive thing—but I do want to make sure that everyone is given an opportunity to make comment, to make potential amendments to the bill. We have a culture of environmental awareness in Ontario, and the people who support the parks are all part of that culture. I would hope that many people would be invited to attend and to take part in those committee hearings, and that they would be held throughout the province.

**Mr. David Oraziotti (Sault Ste. Marie):** It's a pleasure to respond this evening to the comments of the member from Timmins—James Bay and add my comments to the member from London—Fanshawe and the member from Simcoe North. With respect to Bill 11, An Act to enact the Provincial Parks and Conservation Reserves Act, I think this is one of the many steps that our government is taking to improve and protect our environmental quality here in Ontario. In partnership with this particular bill, we've committed \$2 million in grants to the Trees Ontario program to support reforestation. In addition, \$6 million was granted to the heritage trust to acquire significant natural heritage properties, as well as steps to protect the Duffins Rouge Agricultural Preserve, protecting environmentally sensitive land. As well, our extremely significant and, I think, historic steps to protect a large parcel of land in Ontario with our greenbelt legislation protecting nearly two million acres of property: important assets to ensure that future generations are able to enjoy what we've come to know and come to enjoy so well in this province.

Fifty years ago, there were only eight provincial parks. Today we have 319 provincial parks, as well as 280 conservation reserves and 10 wilderness areas. We are making the importance of protecting and making environmentally sensitive areas, the importance of planning and managing these areas, a cornerstone of Bill 11. For too many years, I think we've overlooked the importance of our parks and wilderness areas in this province. We have not taken the time to ensure that, in legislation, these parks and wilderness areas are protected in perpetuity. That's a step that our government is proud to take.

**The Acting Speaker:** Questions and comments? The member for Parry Sound—Muskoka.

**Mr. Norm Miller (Parry Sound—Muskoka):** Thank you, Mr. Speaker. I thought all your questions and comments were used up, but I'm pleased to jump up for a couple of minutes just to add some comments regarding Bill 11, the parks bill.

I've heard from a number of different groups to do with Bill 11. I know that the member from Timmins—James Bay, the parts of his speech that I heard, seemed to be mainly concerned with the area he represents, Timmins—James Bay, and the access that the people of that area would want to maintain to areas they've traditionally had access to. I certainly understand that. In the



beginning of his speech, he was talking about how people who have, in many cases for two or three generations, hunted or fished in a particular area should still be allowed to hunt or fish in that particular area. As I say, I recognize that that is something that we shouldn't forget about: the people who have lived a long time in a particular area.

**1910**

I think park legislation is all about balance. We have groups like the Wildlands League. I know one of the things they want to see is environmental integrity become stronger in this bill. We have groups like First Nations, which don't want to lose economic opportunities. In particular, they want to be able to derive some economic activity and benefit from hydroelectric generating projects that might be in areas nearby them that could be in a park. We have groups like the Ontario Federation of Anglers and Hunters which are concerned with access, particularly ATV access, and concerned that conservation reserves might just become parks with this legislation when you have zoning that would be part of this bill come more into effect.

So, lots of concerns. We'll certainly want to see it go to committee.

**The Acting Speaker:** The member for Timmins—James Bay.

**Mr. Bisson:** I guess a couple of things. My good friend from Mississauga, I was not suggesting for one second that we should ban using motorized vehicles in all classes—

**Mr. Dunlop:** London.

**Mr. Bisson:** London—Fanshawe; I'm sorry. In 16 years in this place, I still don't know people's ridings. I know who you all are.

**Mr. Dunlop:** That's because your riding is bigger than France.

**Mr. Bisson:** Exactly. My riding is bigger than most put together, bigger than France.

My comment is that we need to make sure that we don't go beyond wilderness classification in banning of motorized vehicles, boats or whatever it is, in other types of areas because that could become very problematic in northern Ontario. I think, generally, most people understand why we want to do that in wilderness areas. But for other classes of parks there is good reason to be able to use your one-and-a-half Merc to go up the river to take a look at whatever or even to drive an ATV. I don't think there's anything that can harm if you're not trying to preserve an area as far as a wilderness classification.

To my good friend the member from Sault Ste. Marie, I would only say: Let's keep this straight. Governments have done a fairly good job over the years—I agree with you—in, first, promoting the development of the park system and then making sure that the park system is properly maintained. I think we both agree, but let's not pretend that this is the first government to ever do anything. The reality is that all governments over the past 100 years have had some hand in either creating, developing or maintaining parks. What we're doing now is

taking park policy and putting it into legislation. My only point is, that's not a bad thing. I think that's a good thing. However, as a northerner, you understand as well as I do that people have to read this to make sure we haven't made a mistake, because if we've made an error, we're going to have to live with it for a long time, and we're the guys who are going to have to field the calls.

To my other colleagues, I thank you for your contributions in this debate.

I would just ask the House to indulge me for two minutes to give you a bit of an update on Kashechewan. For those people who might be interested, I'm asking for unanimous consent for about 30 seconds.

**The Acting Speaker:** I have a request for unanimous consent, seeking two minutes to talk about Kashechewan. Is it agreed? I heard a no.

**Mr. Bisson:** Why? I just want to brief members on what's going on in Kashechewan.

**The Acting Speaker:** Order, please. There was a no.

**Mr. Bisson:** I'm going to try again, because they didn't understand. Point of order—

**The Acting Speaker:** Is it the same point of order?

**Mr. Bisson:** This is a new point of order. I would ask for unanimous consent for the House to allow me one minute just to update people on what's happening in Kashechewan. No political barbs; no nothing. People should know what's going on. That's all I'm asking.

**The Acting Speaker:** The member is seeking unanimous consent. Is there unanimous consent? Agreed.

**Mr. Bisson:** I want to thank members because I know they didn't mean to—I'm not even going to take a shot. People need to know. The community, as people might know, is being evacuated as of Saturday because of the flooding. Unfortunately, the ice has taken out the lagoon system. The sewage has backed into the community. A big part of the housing has been contaminated by sewage. The nursing station is contaminated by sewage. The power lines are down. The airstrip is no longer operational. It looks like we're going to be evacuating people for anywhere from six to eight weeks. I know members in the House would want to know that. We need to do what we can in order to assist these people so they don't have to live in arenas for six weeks, because that's tough.

The other thing people should know is that Fort Albany is now on watch. It looks like they may end up being evacuated—we're not quite sure yet. And the community of Attawapiskat has lost its power. So we're having a heck of a spring on James Bay. I just thought I'd let people know.

**The Acting Speaker:** Further debate?

**Mr. Ramal:** As I mentioned in my two minutes, I want to talk for 10 minutes about why I'm supporting this bill. I think this bill is very important. I was listening to the member for Simcoe North when he was talking about this area being treated fairly through the history of this province by all kinds of governments because it's important to all of us. It's important to the people of Ontario, especially now, because in the past we only had eight provincial parks in 50 years. At the present time,



we have 319 provincial parks, more than 280 conservation reserve areas and 10 wilderness areas. So it's important to us as a government, and important to the province, that we, as elected officials, revisit this act, since it has not been touched in 50 years. It's important to protect the environment and to protect provincial parks, because provincial parks are great assets for the environment and great assets for the province of Ontario.

I learned, when I was reading this bill, of many different jurisdictions, many different parks with different authorities and different directions. This bill would put all the provincial parks and all the conservation areas under one authority, under one direction. I think it's very important. We have to have one mandate and one direction in order to hold the government and the minister responsible and accountable for provincial parks. That's why it's important for the minister to put all the assets under one direction and then report to the people of Ontario every five years about the state of the provincial parks and protected areas.

I think it's important for us as Ontarians to protect nature. I have very important news to tell you. On Saturday, we had Earth Day. Many people in this province celebrate that day. They went out with the community, with many different groups—with the Scouts, with many reforestation groups in Ontario—to plant trees; to go to conservation areas, to parks, to many different places to plant trees. Every Ontarian wants to be a part of reforesting this beautiful province, because they know the importance and value of maintaining the forests in this province. As you know, trees play a pivotal role in protecting our environment, protecting nature, protecting species and protecting birds and animals. They also play a big role in protecting our water resources.

I had the chance yesterday to go with Scouts Canada, the Upper Thames River Conservation Authority, TD Bank and Sunoco to plant thousands of trees at Westminster park in London, Ontario. Let me tell you, it was a big celebration, a big event. More than 1,000 community members came out and planted trees. We even had 85 exchange students from China come, along with 1,000 community members, to plant trees at Westminster park in order to celebrate Earth Day. This is the kind of event we celebrate in Ontario to protect our environment: going to a park, going to a conservation area, going to wilderness and protected areas and planting more trees.

I listened to a person who raises birds, who told me and the people attending that day about how important it is to create native trees and plants in the parks and many areas to be nests and homes for many different birds and species that cannot live in an environment with a road cut in the forest and motor vehicles going through it. That's why it's very important for us to revisit this bill, which has not been touched for the last 50 years. We're not aiming at or attacking any government or any party. We said it's about time to reopen it, to revisit it, in order to enhance it to protect the environment. As I mentioned, it's important to hold the minister and the government accountable for the whole issue. When we revisit it and

put in one direction, then the minister, the government and the people of this province can know exactly what is going on when they get the report from the Minister of Natural Resources every five years.

#### 1920

The provincial parks have been home for millions of people every year. People like to camp, visit and enjoy one-day outings, or one week or one month, whatever. It's our duty to provide this environment for people so they can go back to nature and enjoy the trees, the birds, the animals, the fish and whatever exists in those parks. I think it's our duty to have the provincial parks protected and accessible for the great people of Ontario.

I heard many speakers talking about not changing the statute and the traditions of the many different people who have lived in those areas for years and years. But our government will not move to establish any authority or change any laws without consulting with the great people of Ontario, especially the aboriginal people who have lived in and beside the parks for many years, and have used those parks as places to collect their food and fish and hunt, etc. But we as a government and the Minister of Natural Resources have to take into consideration our duty. When we got elected to this position by the people of Ontario, we got the power to protect these areas and make sure they are being protected for many years to come.

As we know, we need the environment, the parks and trees more than ever in these times because of global warming and pollution going into the sky. It's proven by science that trees are great assets and play a pivotal role by cleaning the air we breathe on a daily basis. Also, trees create a good environment for many different birds, play a pivotal role by making our environment beautiful and giving us some enjoyment when we want to be alone, away from the traffic, away from the city and the busy schedules of our lives and our days. You want to go for a day or a week to rest and relax. Our duty as a government is to create that environment. We have to create it.

I don't agree with the member from Timmins—James Bay when he says we should allow motorboats. The motorboat is like a car. It scares the animals, the fish and the birds. The same things that apply to a car or truck or whatever vehicle is run by a motor should apply to boats. It is our duty, as I mentioned, not to allow any polluting machinery to go in.

I think it's an important bill and should be supported. I didn't hear any negative comments about it. I know there is some concern, which I guess is logical. That's why we debate bills in the House: to listen to the opposition and the third party. Most of the time, the dialogue and debate are important to create some kind of understanding and awareness among the people of this province.

I want to give credit to the member from Timmins—James Bay when he talked about the bill last week and today. Many people asked me what was going on with the provincial parks in the north. People thought we were talking only about the north, but in fact we're not.



We're talking about all the provincial parks across the province of Ontario.

As I mentioned, they have now moved from eight 50 years ago to more than 300 today. It's a great improvement. It's a great asset for the province of Ontario. I think it's very important for us to open that act, which was established 50 years ago, in order to modernize it and enhance it to protect the environment we live in, the environment we enjoy. The environment gives us a great sense of stability, protection and joy.

I believe that by creating one direction in this bill, we'll create a good, effective administration, with ability and finances, and also encourage many volunteers, from Scouts to reforestation groups to tree lovers to earth groups in this province, to go on a yearly basis and plant trees, to go to the parks and protect them, to clean them, to nurture the trees and bring native trees to the land and also try to help reforest this beautiful province, because they believe in the earth, that it's important, and that by protecting the trees they're protecting our lives and our future.

That's why I support this bill. I hope that in the end all the members from all the parties will support this bill because it's very important for all of us to pass it.

**The Acting Speaker:** The member for Simcoe North.

**Mr. Dunlop:** I'm pleased to respond to the comments made by the member from London—Fanshawe. He mentioned a few things about some of the provincial parks. As I mentioned in one of my earlier comments this evening—I talked about how I had four beautiful parks in my riding. This year, one of them is on the provincial parks calendar, the Awenda Provincial Park. It's up in Methodist Point, which is up in Tiny township just north-west of Penetanguishene. I'd like to get some response from the government members. I'm told that that park has such high numbers and is filled to such a capacity that in fact they're turning over a profit above their costs of somewhere around half a million dollars a year. I may have the half a million dollars incorrect, but it is a substantial amount of money that this park turns over in profits above its operating cost.

I'd like to know the government's plan and how they distinguish the parks that are doing very well and turning over a profit, because in a lot of cases—I know that I've have talked to some of the administration there in the past and some of the employees of the park, and they've thought that maybe some of that money should be returned in staffing, maybe in a longer season or maybe just in overall upgrades to the park because they're getting a lot of visitors, they're at capacity all the time and improvements should be made.

It would be interesting to hear from the government side. Maybe in his closing comments the member can tell me what they're going to do with the parks that turn a profit: whether or not that money should stay in the park or if it's going into general revenues to pay for a fundraiser for you guys or something like that—I don't know. But the bottom line is—

*Interjection.*

**Mr. Dunlop:** Well, no. But there's half a million dollars in some of these parks. In this one particular park, I understand that's the profit it's making. I, as an MPP for that riding, would like to know why that money isn't staying in the riding and why it's not staying in that provincial park. I'd be interested to hear your comments on that.

**Mr. Peter Kormos (Niagara Centre):** I've but two minutes during this period called questions and comments. Rosario Marchese, the New Democratic Party member from Trinity—Spadina, is going to be addressing this bill in, oh, I suppose around 30 minutes' time. We're all looking forward to his comments—

*Interjections.*

**Mr. Kormos:** Well, no. Mr. Marchese is a very urban person.

**Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader):** Urbane.

**Mr. Kormos:** No, not necessarily. Please, understand there's a distinction between "urbane" and "urban." I resent the fact that sometimes people sloppily use the language improperly. I'm going to insist that Mr. Marchese is a very urban person and he shares the affection for our provincial parks in those wilderness areas. That's why, even though he might be disinclined, as some are, to portage with a canoe and a backpack in the wilderness of, let's say, Quetico, he nonetheless has concern about this government's abandonment of a long-held tradition of banning motorized transportation within our parks so as to maintain their pristine quality. There's just something offensive about a Honda motor behind the boat in the ville of Quetico, or a three-wheeler or four-wheeler tearing up the terrain and the chattering chipmunks being scattered by the exhaust of a stinky four-by-four.

I'm looking forward to speaking to this bill in my own right, whether it's on the third day or the fourth day of second reading debate, perhaps on the fifth day. Some things changed substantially earlier this evening that might compel us to speak at greater length to this bill. But I think it's important that folks stay and listen to an urban perspective, and that will be that of Rosario Marchese from Trinity—Spadina, New Democrat here in the city of Toronto.

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**Mr. Pat Hoy (Chatham—Kent Essex):** I'm pleased to rise and make some comments to Bill 11, An Act to enact the Provincial Parks and Conservation Reserves Act. I was very pleased that Minister Ramsay was able to come and visit Rondeau Provincial Park in my riding last fall. He had a good chat with people in the park and outside the park. It is one of the largest tourist attractions in Chatham-Kent. As well, we have Wheatley Provincial Park that a lot of families also visit and enjoy throughout the year.

I want to mention to the House that Wheatley Provincial Park is just about 11 kilometres from Leamington, which is in Essex. Just recently, Leamington was deemed to be the best place in all of Canada to live. We



have known this for many years, that Leamington is an exciting place, the southern-most point of Canada, notwithstanding the islands off into the water. But Leamington is indeed a wonderful place to live, work and play. It is also home to Heinz, and of course Leamington is known as the tomato capital of the world.

This act will enhance accountability, requiring the minister to publicly report every five years on the health of our parks and protected areas. The people who enjoy Rondeau park, Wheatley park and all parks in Ontario would certainly want that to occur. It would increase protection for those parks, which people also want to see enhanced and kept for generations to come. Some of these parks are very fragile in their ecosystems, and they need the protection of the province to keep those in place.

Streamlined legislation will also assist persons to understand what the government wants to do in terms of protecting the wonderful parks we have here in Ontario.

**Mr. Miller:** I'm pleased to add some comments on the speech from the member from London—Fanshawe and on some of the other comments that were made as well.

I think it is important to have balanced parks legislation and balanced use in parks. I have a very small park. It's not a provincial park, but it's an area owned by the Ministry of Natural Resources in my immediate area near the town of Bracebridge. It's called the Bracebridge Resource Management Centre. That's a fairly small area, maybe 500 acres, and it's alongside the beautiful, scenic north branch of the Muskoka River. I've taken great advantage of it in the wintertime, cross-country skiing. I got out many times this winter on the trails that are maintained by the town of Bracebridge. As well, there are hiking trails at the Bracebridge Resource Management Centre.

As well, the Ministry of Natural Resources does minor forestry operations and studies in the area, an area that's probably used more intensively by local residents in terms of experiencing nature, enjoying the outdoors and getting physical exercise than almost any area around. They do thinning operations, and they do specific studies on different types of trees. I know they were doing a study on red oak and some various pine species of wood.

The point I'm making is that in this quite small park there are many different uses being made of it, all very compatibly, I would say, with forestry operations, hiking, cross-country skiing and duck shoots. Where the Muskoka River goes by, people go swimming there in the summertime etc., so there are both human uses and real human appreciation for the great outdoors and some real benefits to the local area.

Of course, in this legislation there are a number of different classifications, but you can have mixed uses and still have very successful conservation reserves and parks.

**The Acting Speaker:** Response?

**Mr. Ramal:** Thanks to the members from Chatham—Kent, Niagara Centre, Simcoe North and Parry Sound—Muskoka for making a couple of comments about what I said.

I want to answer the member from Simcoe North. He asked about money; when some parks make extra money, what happens to the money? I want to tell the member, that's why the bill is going to put all of the provincial parks and conservation areas under one administration and one direction. This money goes to one pool of money to be used and reused to enhance and reinforce and protect some other parks that don't—

**Interjection:** All the parks.

**Mr. Ramal:** All the parks in the province of Ontario.

Sometimes you need to plant more trees, sometimes you have to redirect the water, sometimes you have to clean up and sometimes you have to do so many different things to protect those parks. I think it is our duty as the province of Ontario and as a government to have all these parks under one authority. Therefore, the money goes to any park that needs it or needs some kind of restoration.

I also want to tell the member from Niagara Centre—he was talking about motor vehicles. The member from Trinity—Spadina doesn't like it when a motor car goes inside the park. Hopefully, he can convince his colleague from Timmins—James Bay, who wants to use a motorboat to go inside the park. So definitely we are against it. Definitely, this bill intends to stop all this kind of activity. This is clear in subsection 7(2), talking about prohibiting all kinds of machinery going inside the park, because this disturbs the animals and also pollutes the environment, and it's not good for the trees. That's why all the people of Ontario cherish the forests, the parks and the conservation areas.

I just wanted to mention, alongside my colleagues Chris Bentley and Deb Matthews, on Saturday we went to Riverforks Park in London. We planted many trees with many different community leaders, alongside Re-Forest London. Also, as I mentioned, on Saturday Scouts Canada planted 3,000 trees in the Thames Valley on Fanshawe Park Road, which I think is very important. It's very important to protect the parks and to put them under one administration by passing this bill.

**The Acting Speaker:** Further debate?

**Mr. Norman W. Sterling (Lanark—Carleton):** It's good to speak about Ontario parks and the Living Legacy, which was created by the former government, and this bill that's coming forward, which is quite nebulous in terms of actually what it's going to mean on the ground to the people who live in and around these particular parks, and to the rest of the population.

We have been informed by the minister that while there have been consultations that have taken place, there are very, very few people who have actually been involved in this whole debate. We understand that 1,500 Ontarians responded to an online survey. The minister indicated that he received 140 submissions with regard to this particular endeavour and that he received 1,100 letters. There have been 425 people who took part in nine open houses. Compare this to what happened with the previous government when it brought forward its Living Legacy program, when 65,000 Ontarians got involved in the process. Notwithstanding that this is sort of a minor



process when you compare it to what happened in 1999, it still affects the lives and the livelihood of many people, many people in the aboriginal community and many people who live close to these parks. It affects some of the people in southern Ontario as well. Not only have we heard that particular matter, but we heard earlier from one of the government backbenchers, from Chatham-Kent Essex, where the minister was down in his area visiting a park, but we don't have that same minister with us tonight to hear our comments with regard to that.

So on that, Mr. Speaker, I move a motion to adjourn the debate.

**The Acting Speaker:** We have a motion to adjourn the debate. Shall the motion carry? I heard a no.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the nays have it.

I see five members. Call in the members. There will be a 30-minute bell.

*The division bells rang from 1940 to 2010.*

**The Acting Speaker:** Mr. Sterling has moved adjournment of the debate. All those in favour will please rise and remain standing to be counted.

All those opposed will please stand and remain standing.

Please be seated.

**The Deputy Clerk (Ms. Deborah Deller):** The ayes are 4; the nays are 22.

**The Acting Speaker:** The motion is defeated.

The member from Nepean-Carleton may resume the floor.

*Interjection.*

**The Acting Speaker:** Sorry; Lanark-Carleton.

**Mr. Sterling:** I invite everybody to the provincial capital of maple syrup-making, Lanark county. Maybe you'll remember it now, Mr. Speaker.

**Mr. Rosario Marchese (Trinity-Spadina):** It's so far away from Toronto, how could anybody remember it?

**Mr. Sterling:** It's one of the most beautiful places in all of Ontario as well.

I want to talk a little bit about the Mike Harris government and what we did with regard to the parks of this province, and in general what previous Progressive Conservative governments did with regard to the creation of green spaces in this province.

Perhaps there's no other government in all of Canada which has done more for the conservation of green spaces than the provincial Progressive Conservative Party. This started back in 1968 or 1969—at least within my current memory. Prior to that, of course, there was the creation of many parkway belts and green spaces by the former Frost and Robarts governments. The Niagara Parks Commission was set up in the early 1950s or the late 1940s, which preserved a great amount of green space along the Niagara River. Thank God that happened, because today that is the centre of tourism for Ontario, in terms of allowing many people from Canada and from around the world to view one of the world's wonders, Niagara Falls.

As we trace through the history, although all of my colleagues don't agree with how some of this was done, I believe that the intent and the overall philosophy of the Progressive Conservative Party has been shown by its leadership with regard to the Niagara Escarpment, which has, as you know, been recognized by the United Nations as an environmental biosphere. Of course, having come to this place in 1977 and having had responsibility for that plan in the years of 1983 and 1984, I had a personal part to play in the first plan with regard to that particular endeavour.

In the Mike Harris years we had the moraine preserve, which was in fact a very important initiative on the part of the government to retain our natural water resources underneath the moraine. The government took a very brave forward step in preserving the moraine around the greater Toronto area. Then, in 1997, Mike Harris came out with the Lands for Life initiative, which was further enhanced in 1999. At that time, it was the greatest expansion of parks in the history of the province of Ontario. The government of Premier Harris created 378 new parks and protected areas, covering 2.4 million hectares across Ontario. I guess it's a little indicative of the attitude that some other people have in this place that Conservatives don't care about green, they don't care about the environment, they don't care about all these other things. That couldn't be more false. I guess the proof was in the pudding with regard to the former Progressive Conservative Prime Minister of Canada, Brian Mulroney, who was just given an award most recently for being the greenest Prime Minister ever. So notwithstanding all the puff and ceremony that—I call them the opposition—the government puts forward, we have, in fact, a proud tradition in the Progressive Conservative Party with regard to issues like this.

Our concern with regard to this bill of course is, as I mentioned before the adjournment, the total lack of respect for consultation amongst many important groups across the province.

**Mr. Marchese:** Which ones?

**Mr. Sterling:** The aboriginal community is, of course, very concerned that they have not been properly consulted. From the minister's own words, if you look at the numbers and the kind of consultation, which took all of two months to take place, we know that this very important subject and all of the pushes and pulls involved in this kind of a subject could not have taken place during that very short period of two months.

I want to say that we believe that this bill, if it had been properly introduced in this Legislature and had taken into account the very important contributions that many different groups want to make—the federation of anglers and hunters is not happy with this government in terms of the lack of funding that they're providing to preserve their interests in the province; as I mentioned, the aboriginal community is not very happy with this process that we went through; and the wildlands community is not very happy with this piece of legislation. I think part of it comes from the contrast of the process



that we went through in the late 1990s, when we took a very thorough consultative process and we were very definite in the plan that came down as to what was going to happen into the future.

Notwithstanding all of the pomp and the puffery that we hear from the government backbenches, this is really a second-rate effort in terms of looking at this particular issue. I would have preferred that the government in this kind of an issue, which quite frankly is not that political, would have used a process where they would have introduced this bill for first reading and put it out to committee. They could have allowed those groups that feel they were not properly consulted in this very brief consultation period of two months the opportunity to come to a committee, and members of the Legislature would have had the opportunity to listen to them and then we would have come back with perhaps some meaningful amendments at that time. Unfortunately, when you go through the process that we're now following, where you go into second reading, it doesn't really give the government much room to back off or manoeuvre around what they've already got down on paper.

I just feel that in this particular bill, where, as I say, there's give and take—you know, some people want more restrictions put around these protected areas, these wilderness areas, they want to limit economic activity, they want to limit access; other groups want to maintain what they have and some would want to increase it, depending upon their wants. I think it would have been much more fruitful and better for this Legislature and better for the process had the bill been referred out after first reading so that the government wouldn't have felt that they were trapped into a piece of legislation.

In view of the fact that I don't believe this bill was given adequate consultation or has followed the correct process, I move that we adjourn the House.

**The Acting Speaker:** We have a motion to adjourn the House. Is it agreed? I heard a no.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the nays have it. There being five members, call in the members. There will be a 30-minute bell.

*The division bells rang from 2021 to 2051.*

**The Acting Speaker:** Mr. Sterling has moved adjournment of the House. All those in favour will please rise and remain standing.

Please be seated.

All those opposed will please rise and remain standing.

Please be seated.

**The Deputy Clerk:** The ayes are six; the nays are 25.

**The Acting Speaker:** The motion is defeated.

The member for Lanark—Carleton still has the floor.

**Mr. Sterling:** Before we voted on the motion to adjourn the House, I was talking a little bit about the consultation, or lack thereof. I think it has been noted by many groups that have been involved in this issue. The Ontario Federation of Anglers and Hunters is very much

concerned about the terminology used in this bill. The wording in the bill as to what a mechanized or motorized vehicle is has evidently been changed. This means very much to them with regard to access to many of their recreation areas. Some people may think that's a minor issue, but I can tell you that they consider it most important and are urging that we have committee hearings with regard to this bill.

As we know, and as I mentioned before in my remarks, the very brief period that groups had to be consulted with regard to this bill was a total of two months.

*Laughter.*

**Mr. Sterling:** Mr. Speaker, I can't concentrate while the Minister of Education is causing—

**The Acting Speaker:** I think your point was well taken. I was wondering myself.

*Laughter.*

**The Acting Speaker:** Would the honourable members please come to order. If the joke is that good, perhaps it should be shared with all of us. If not, I would ask that we please come to order.

**Mr. Levac:** I admonished them, Speaker.

**The Acting Speaker:** Thank you. Have the members come to order? Are the members capable of coming to order? Please resume.

**Mr. Sterling:** Thank you very much, Mr. Speaker. It is indeed difficult to discuss this bill with the great deal of seriousness it deserves when the ministers opposite treat it so lightly.

It's also noted that many of the First Nations have expressed their consternation with regard to this bill and the consultations that took place prior to the introduction of the bill. The Matawa First Nations have explicitly explained and expressed their chagrin over the lack of consultation that the Ministry of Natural Resources has undertaken with them.

Our party believes that there should be several days of committees. I believe that this indeed is a bill which should have committee hearings right across the province, particularly in the north and in where there are parks within the immediate area. This bill will have a tremendous impact on the economy—

*Laughter.*

**Mr. Sterling:** I'm sorry, Mr. Speaker, I—

**The Acting Speaker:** The member's point is well taken. Please, I know it might be good, but it's not stopping. If it cannot be stopped, I just ask you to absent yourself from the room for a few minutes.

**Hon. George Smitherman (Minister of Health and Long-Term Care):** No. Then they'll ring the bells.

**The Acting Speaker:** I don't believe that this member can ring the bells again. In any event, I'm asking the members to please keep control. The member from Lanark—Carleton will continue.

**Mr. Sterling:** Well, they're obviously not listening, so I'll conclude my marks. Thank you very much.

**The Acting Speaker:** Questions and comments?



**Mr. Marchese:** I want to congratulate the member for having lasted so long in making his remarks while the members right in front of me—right here in front of me—have been giggling and laughing and not paying attention. I think these two members ought to stand up and tell the House what the joke was all about so we can either all share it, or I recommend to you, Mr. Speaker, that next time you throw either of the two out or put one or the other at the back of the room or on the side as a way of dealing with this in a polite sort of way.

I've got to tell you, the Conservative member who just spoke a little while ago was telling us about how much the Conservative government did. I just want to commend him and thank the Conservative Party for having done so much. I want to thank Brian Mulroney for all the work that he did and for being one of the greenest Prime Ministers we've ever had. I think it's about time too, I say.

**Mr. Cameron Jackson (Burlington):** He is Irish.

**Mr. Marchese:** That's what makes him green? It's about time that we recognized his achievements and the Conservative Party achievements, and I hope when you do your two minutes, you speak about those achievements.

**Mr. Levac:** I'm wondering if the member would be surprised that I didn't necessarily agree with his perception and his view on this particular bill, except to say that I do accept his challenge to ensure that the people of Ontario have an opportunity in committee to hear what some of those concerns might be, as we in this government have been doing for almost every single bill that we've brought into this place. Quite frankly, he's right in making us aware of the concerns that are out there. He's right in pointing out some of the issues that need to be debated.

But in terms of his story of what we've done on this side and what they've done on that side, he might be surprised to hear that I don't necessarily agree with his version of it, except to say one more thing, and that is that as the chief government whip I did go over and speak to the members and say to them that they may indeed be on camera, and they looked at me and said to me, "That's understandable. I understand that."

Just on a serious note here, I honestly believe that this bill will go to committee and I honestly believe that there will be some very good feedback from people who are affected by it. I too want to be on record as saying something very clearly, and that is that we should all take immense pride in the wonderful parks, the absolutely pristine organizations that have put these parks together and the wonderful nature that we've got. We should be taking advantage of that as best we can and encourage everyone to support our provincial parks—and indeed our national parks, for that matter. Having said that, I know he's not surprised that I don't necessarily agree with his opinion.

**Mr. Jackson:** I would like to commend the comments of my colleague from Lanark–Carleton with respect to this piece of legislation. I can say with a great deal of

confidence, having served with him for 21½ years, that he has a very strong affiliation and support for our Niagara Escarpment Commission. This is not an issue that everyone in our caucus always agrees with, but I will state for the record that I have supported him both at the cabinet table and in caucus in defence of not only the Niagara Escarpment Commission but its scope and its mandate. I just put that on the record because I think when he does speak to this legislation, which he has with some minor interruptions this evening, he does articulate a concern for the expansion of the system.

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Let's be fair. What the government is proposing to do is to update a specific piece of legislation that acts as a framework for conduct in all of our provincial parks. What we've been stating earlier this evening and will continue to state in this debate is that the previous government had an outstanding record in terms of preserving and protecting large tracts of land for future generations. It was perhaps the largest single expansion of our parks system. So we commend the government for recognizing that it needs to update the legislation and to make it more contemporary; however, there are some legitimate concerns that are being expressed.

I want to as well put on the record my support for another initiative of the previous government with the largest urban park in Canada, Bronte Creek Provincial Park. Maybe when I have an opportunity to comment again this evening, we'll speak about that.

**Mr. Lou Rinaldi (Northumberland):** I too want to put some comments on the record about Bill 11, to reform the legislation to deal with provincial parks. I'm honoured to have in my riding—as a matter of fact in the town where I live, in Brighton—Presqu'île Provincial Park. It's not a large park, but it's a multi-faceted park. I can tell you, having proper legislation in place to deal with issues that govern provincial parks is very, very important. I can tell you, as a municipal politician and as a resident of that community, it took about 20 years for Presqu'île Provincial Park to have a management plan, because the tools weren't there to help manage the park properly and there were a lot of conflicts. One of the things that lacked through the process—and we had a number of public consultation processes, but there were no guidelines, there was no framework, and they really pitted the different users of the park—and the park has got a beautiful beach. It's got a beautiful conservation portion, a lot of marshland, one of the best birdwatching sanctuaries in the spring of the year. And it's got a fully serviced campground, so you can see it's a multi-faceted park. When you try to put a plan together to make such a piece of real estate that's owned by the province, by the people of Ontario, work, it's very difficult within the framework.

I think this piece of legislation is well overdue. It will go to committee and get more refined; I'm sure it will. But let's move it there and let's get the job done.

**The Acting Speaker:** The member from Lanark–Carleton.



**Mr. Sterling:** I guess the contrast between—and I want to thank each of the members for contributing and responding—the procedure we’re going through now with regard to Bill 11 and the procedure we went through and the process we went through with the Living Legacy—there’s a stark difference, because when we went through the process with Living Legacy, we involved 65,000 people. There’s a much greater chance that you’re going to reach as best a consensus as you possibly can when you consult with that many people and that widely over a long period of time before you come to your decisions. And the decisions are difficult in any kind of bill that entails planning powers and restrictions of uses, as Bill 11 can in fact do. It can restrict access to parks or wildlife areas. It can open access to areas. It can close access to areas. It can limit what you can do in the particular areas, although some of those decisions, which we favour, have been made; for instance, logging in Algonquin Park, which is very, very important to the local communities’ economies up in that area.

But if you go through a careful process before you bring the bill to the floor, the chances that you’re going to get a better system overall is there. That’s what happened in 1997, 1999 and 2000, as we went through that huge process of doubling the amount of parks that we had in all of Ontario. So I want people to contrast the two: the way we did it, which I think was the right way, and the way we’re doing it now, which I think is the wrong way, with short time frames and very few consultations. People are not going to be happy with any result as a result of this process.

**The Acting Speaker:** Further debate?

**Mr. Marchese:** I am particularly happy to speak tonight. It’s April 24 and it’s my son’s birthday. I’d almost forgotten this morning, so I thought I’d mention it. So it’s 9:05 on Monday night, April 24. We’re on live. I want to thank the citizens of Ontario for watching this program. We want to entertain. That’s why we’re here. If we don’t entertain, people don’t watch us. That’s part of what we are here to do. Some of us do that well, I hope.

I want to say that the member from Niagara Centre described me as an urban kind of guy.

**Ms. Kathleen O. Wynne (Don Valley West):** He said “urbane.”

**Mr. Marchese:** Some Liberal member said “urbane,” and that applies equally, I think. As some of you know, “urbane” means notably polite in manner, which I am, and polished as well, which is part of the definition. I hate to disagree with my Liberal friends who would describe me like that.

My friend from Niagara Centre describes me very clearly and accurately when he says, “He’s very urban,” because I am. “Urban” means relating to, characteristic of or constituting a city. I’m all of that. I’m a city guy, I’ve got to tell you. I want to explain how much of a city guy I really am: I don’t like water; I hate water. I don’t know how to swim. So the only water I like is the water I drink, and the only water I can deal with is the shallow water that reaches approximately the knees. And I’m not

a tall kind of guy; I’m short, really. So if it’s above my knees it begins to scare me. I don’t like hanging around water; I don’t like hanging around pools. I just don’t like water. In fact, I hate being around water. I hate being around the sea because the sea is so intimidating, so powerful. I’m in awe of the sea when I stand by it. I respect the power of the sea and I respect the power of water in that instance. So I fear it, but I am indeed in deep awe of the power of nature and the power of the sea, the power of the waves, so I want to stay away from it. But I am very profoundly respectful of the water. I want to stay above it, never under, I’ve got to tell you.

Second, I am rarely north of Lawrence. If I have to travel above Lawrence for one reason or another, it’s a problemo, I’ve got to tell you. I respect parts of Scarborough, Etobicoke, the GTA, anything north of the GTA; I have gone to a cottage from time to time. But if it’s not urbanized, I can’t deal with it. I hate mosquitoes. I do. I hate mosquitoes in the city and I hate them in cottages, particularly at night when you’re sleeping and the mosquitoes buzz around, waking you up. God bless you folks living up north and in the far rural communities. I can’t even take mosquitoes.

I remember going to Newfoundland once with my brother and many others, and I remember this fine man, Mr. Evans. I’ve got pictures of this. My brother was in this mask, entirely covered in a scientific kind of plastic; a mosquito net, they probably call it. The mosquitoes were swarming around him. This Mr. Evans—God bless him—didn’t have anything. He didn’t move. He didn’t stir once. The mosquitoes didn’t seem to affect him. I’ve got to tell you, you admire people like that. I do. I would never go into a forest. I’ve got to say to you, the people who love to go into forests, God bless them. The whole thought of a bear coming to say hello to me in the day or at night—I just couldn’t handle it. Mosquitoes scare me; imagine bears.

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**Mr. Rinaldi:** Are you a wimp?

**Mr. Marchese:** I’m a seriously wimpy urban kind of guy—absolutely. So you never find me in a forest, in a wilderness park, but I am a strong admirer of forests, wilderness parks; I am. I love to see them as they are—from a distance, true, but I love to see them intact, untouched, as they are, pristine, as they ought to be. I think I represent a city kind of view when I speak about wilderness parks, because I think a whole lot of city people agree with me.

*Interjection.*

**Mr. Marchese:** What does it mean? You have to tell me what it means. I’d be too much afraid. Write it down and I’ll say it.

I think a lot of urban people are like me. They love wilderness parks, whether they go or not, like me. We have profound respect for nature. When I see a tree that I can’t wrap my arms around, I think it’s just an incredible feeling. I get overwhelmed, to look at a tree with a circumference—I don’t know how you would describe the circumference. Two of David’s hands couldn’t wrap



the tree, it's so thick. I'm a deep admirer of that kind of thing. Nature is powerful, and I respect it deeply, even if I am afraid of heights, of water, of wilderness parks. Maybe it's because of such fear that I'm in awe of each and every one of the elements that frighten me to death.

**Hon. Marie Bountrogianni (Minister of Intergovernmental Affairs, minister responsible for democratic renewal):** There's therapy for that.

**Mr. Marchese:** I don't need therapy. I'm a happy urban kind of guy. I don't need therapy for that. I just stay away from the things that frighten me and I'm okay. The people who need therapy are the ones who go in the wilderness park and have to face bears from time to time. They need therapy, not me. The ones who need therapy are the ones who go underwater scuba diving, and God knows what they could confront under there. Just the fear of what might happen scares me to death.

I just want to say hello to a friend on television, someone well known to one of the ministers here. Yani is his name. Hello, Yani. I bet you're watching, because I know you like this parliamentary channel. That's why he tunes in. Thank God we have enough electricity to keep this place going and to keep it alive. Otherwise what would people be doing at home at night if they couldn't watch us debating in this place? God bless. Yani, thank you for watching.

I am happy the government has introduced this bill; I am. Imagine, we haven't updated the parks act for 50 years, since 1960. That's a long time. Something that has not been updated for that long needs updating really quickly. So good or bad, you've got to say to the Liberals, it's okay, it's good that you've brought it forward. There's lots of good stuff, including—I've got to be careful about what I say because, Mr. Chair, they've used your comments whenever you've been positive. So I've got to be careful not to be too positive.

**Hon. Mrs. Bountrogianni:** I don't remember Michael ever being positive.

**Mr. Marchese:** Oh yes, they produced a leaflet talking about Michael praising some Liberal initiative. You've got to be careful, right? Because you can get abused on this side of the House. When Liberals ask questions, they say, "Oh, the member from so and so, what a great member, asked such a great question, does so many great things in the neighbourhood, in his riding, her riding." When we ask questions, we get attacked all the time. Have you noticed that?

*Interjections.*

**Mr. Marchese:** Not once have I heard—oh, maybe once or twice. The Minister of Health was very kind once to me, but that's rare, you will admit, because you beat up people pretty badly. You know that.

*Interjections.*

**Mr. Marchese:** Oh, you do. So when we ask questions, it would be nice from time to time if ministers would say, "What a great question," and, "I'm going to answer it," and, "I want to congratulate the member from Trinity-Spadina," wherever he might be, "for all the great work he does for his constituents and all the great

questions he asks from time to time." I'm not saying to do it often, because that would be inappropriate, right?

So "ecological integrity" is defined. It's in the bill and this is a good thing. It says, "Ecological integrity refers to a condition in which biotic"—"biotic" means relating to life, by the way—"and abiotic components of ecosystems and the composition and abundance of native species and biological communities are characteristic of their natural regions and rates of change and ecosystem processes are unimpeded.

"Same

"(3) For the purpose of subsection (2), ecological integrity includes, but is not limited to,

"(a) healthy and viable populations of native species, including species at risk, and maintenance of the habitat on which the species depend; and

"(b) levels of air and water quality consistent with protection of biodiversity and recreational enjoyment."

Thank you, David, for joining me. Please come back any time.

**Mr. Levac:** Okay.

**Mr. Marchese:** Obviously, conservation groups, including people like me, this urban guy, think that this is a good thing. Including ecological integrity will become a cornerstone of parks management and that's good, and I suspect that Yani agrees with me on this. I suspect he agrees with the Liberals 95% of the time, but 5%—it may be more. The 5% to 10% where he agrees with us is good, because we're building, right? It's just a matter of building on the NDP trenches.

Including ecological integrity and defining it as such I think is supported by many. Perhaps some of the people who might come in front of the committee when we have the tour might speak to it positively or might want to add, I don't know, but this is a good thing.

Generally speaking, updating this particular field is important, given that we haven't done so for 50 years. Ontarians are very proud of our provincial park system, which has been built and stewarded over several generations by all parties in this House. I think we have all made a contribution: when we were in government, when the Conservative government was there, and you fine Liberals are now doing your part. I think all political parties are doing their part.

Of course, Ontarians have also been active in the protection and management of Ontario's parks, and many groups have devoted themselves to the ongoing protection and betterment of our provincial parks and conservation reserves. The important role they have played and continue to play needs to be recognized, because governments generally tend not to act unless they are forced to act by people who are pressing them day in and day out. You've got conservation groups and environmentalists who have been pressing in this field for a long time. It is to their efforts that I refer myself and I want to praise them for the work that they have done.

This legislation is clearly a start. There are some areas that I think need improvement, and some of those areas have to do with First Nations. I believe that Bill 11—not



"I believe"; Bill 11 is silent on aboriginal and treaty rights of aboriginal peoples and their potential role in the creation, planning and management of parks and conservation reserves. For example, there is nothing here regarding the co-management of protected areas with First Nations. These shortcomings, in my view and in the view of many New Democrats, are out of step with the new protected area legislation in other jurisdictions, which has come to reflect an increasing understanding and appreciation of aboriginal rights and interests with regard to protected areas.

First, to ensure that the rights of First Nations are properly respected in this act, this act needs to include a clause clearly stating that nothing in the act shall be construed as to abrogate, which in non-legal parlance means "to annul," or derogate, which for us normal human beings means "to take away," from the protection provided for existing aboriginal or treaty rights of aboriginal peoples of Canada, as recognized in section 35 of the Constitution Act, 1982.

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Aboriginal people speak strongly about this, and we believe that we should include language that protects what aboriginal people have given us, have given Canadians, by way of their interest in protecting nature that I think we have to respect and address in a way that properly reflects their concerns.

The bill must clearly state that prior to establishing a new protected area or expanding an existing protected area, the minister is required to identify and consult with all affected First Nation communities whose lands or traditional territories may be affected by the establishment or expansion of the protected area. We believe you should. We don't know why you haven't included language that speaks to that, but I think you need to reflect on it. It is my hope that aboriginal communities will come to the committee hearings to state their concerns, as I believe they will.

At present, there are no provisions in the bill to ensure that in the formulation of management plans for parks opportunities for co-operative or joint management with local First Nation communities have been explored, and they need to be. First Nations should also be able to nominate areas of cultural significance for protection, such as important fish and wildlife areas, areas important to maintaining traditional ways of life, and sites or villages, or rock paintings. Such sites would be considered for full management by the relevant First Nation.

These are issues that I believe the government needs to address, and that's why we need hearings. My colleague Gilles Bisson often makes mention of this. He had introduced Bill 97, and it was called the First Nations Resource Revenue Sharing Act. He introduced it in 2004. This bill had been taken on the road, but it didn't go very far. The McGuinty government did not want Gilles Bisson and others to finish the job. So First Nations still lack a revenue-sharing framework in Ontario, because the bill

that had had a tour for discussion, around which many suggestions were made, never saw the light of day because it was never supported by the government. The McGuinty government talked about a new relationship with First Nations, but after almost three years in government, in my humble view, it's more broken promises, and no resource revenue-sharing agreement is in place to help alleviate the poor water quality and poverty confronting First Nations communities.

I wanted to talk about that, and I wanted to talk in the last two minutes about motorized vehicles in wilderness parks. I want to tell you what the current definition says. The current definition of wilderness class parks, which has been used for decades, states the following: "Wilderness parks are substantial areas where the forces of nature are permitted to function freely and where visitors travel by non-mechanized means and experience expansive solitude, challenge and personal integration with nature." This is the current language.

Bill 11 weakens this definition by replacing "where visitors travel by non-mechanized means" with the phrase "where visitors travel primarily by non-motorized means." That is not defined. People are worried that this change in wording weakens the definition of wilderness class park and could potentially affect the ecosystems protected by wilderness parks and the wilderness experiences sought by those who visit them. The definition of "primarily" could mean that someone could—I don't know—walk 60% of the way and then maybe use a motorized vehicle for the rest of the way. I really don't know what it means. I don't know how that is defined. I don't know what it means by way of the use of all-terrain vehicles, those crazy four-wheelers that can go to all sorts of places.

Frankly, I'm concerned about the language, and I am not the only one. I would suggest that the definition of wilderness class park must remain as it is at present and not as recommended in Bill 11. Hearings, obviously, are a must. These two issues are important to me as an urban guy, but I suspect there are a whole lot of people like me who worry about these two particular issues that I've raised. Monsieur Gilles Bisson has raised others. I'm sure my colleagues who will speak to this will raise other concerns, but the hearings obviously will give everyone an opportunity to speak to that, to praise you where it is needed and to tell you where changes need to be made.

We, of course, expect hearings. We don't have to demand them, because the government will have to have them. Yes, you've had conversations with groups. Whether they have been adequate or not is yet to be determined on the basis of what people will tell us, once we have hearings across the province, and so, with that, I look forward to them.

**The Acting Speaker:** The time being nearly 9:30 of the clock, this House stands adjourned until tomorrow at 1:30.

*The House adjourned at 2125.*



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## Assemblée législative de l'Ontario

Deuxième session, 38<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)



Tuesday 25 April 2006

Mardi 25 avril 2006

Speaker  
Honourable Michael A. Brown

Président  
L'honorable Michael A. Brown

Clerk  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 25 April 2006

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 25 avril 2006

*The House met at 1330.  
Prayers.*

### MEMBERS' STATEMENTS

#### NIAGARA WEEK

**Mr. Tim Hudak (Erie–Lincoln):** I'm pleased to rise in the House to call members' attention to a very exciting happening this week. Of course it's Niagara Week, chaired by the very able leadership of Chairman Peter Partington of Niagara region. Many mayors and business leaders are here today. I know they've met with members of the Liberal caucus, the Conservative caucus and other MPPs, as well as with ministers, to make a few very important points about the peninsula.

I think people often believe the Niagara Peninsula is simply wine country, Niagara Falls and the Shaw Festival.

**Mr. Dave Levac (Brant):** No.

**Mr. Hudak:** But as the member for Brantford knows full well, there are many other parts of Niagara in need of government support and attention to create jobs and help build prosperity in those communities. I commend Chairman Partington and his municipal task force in pushing these issues here at Queen's Park; for example, last year successfully pushing for an extension of Highway 406 south, to four-lane it, and I know they'll be continuing to advocate for that issue in their meetings with ministers and MPPs alike; similarly, the importance of moving forward with the mid-peninsula corridor, which would be a major artery for investment in tourism and safe travel in the peninsula. We hope those terms of reference will be submitted—already, as we know, well past due.

Also, I want to remind members that tonight the Niagara leaders are hosting a reception in rooms 228 and 230 from 4:30 to 7 p.m. with some great wine and food and greenhouse products. I encourage all members to attend for a very engaging evening.

#### JANE JACOBS

**Ms. Kathleen O. Wynne (Don Valley West):** I rise rather sadly today to acknowledge the death and celebrate the life of thinker, urbanist, ethicist, activist, writer, mother, wife and grandmother, Jane Jacobs.

Jane was American-born, but she loved this country. She loved Toronto and she gave us so much. She informed our vitality as a city and galvanized political movements that determined the destiny of this city. She's

well known for her opposition to the proposed Spadina Expressway, but was a stalwart as recently as 10 years ago in Toronto's fight against the creation of the megacity under the previous government.

Jane believed in neighbourhoods. The *Death and Life of Great American Cities*, written in 1961, is really required reading for people who want to understand how cities work, what makes them safe and what makes them breathe. She believed that cities had a pivotal role in economies.

Jane was born in 1916 in Scranton, Pennsylvania. She was neither academic nor ideologue. She was never an elected politician, but she influenced the people who formed this city. David Crombie, John Sewell—these are the people who have informed how this city has moved forward, and Jane was a reference point for them.

Much will be written about Jane Jacobs in the coming days, but I know that up until the last moment she was thinking about the next book she was going to write. She was lucid and she was taking part in the thinking in this city. She would have been 90 on May 4, and I can tell you as a Toronto member that she will be seriously missed as a reference point and an icon in this city to all of us.

#### AUTISM TREATMENT

**Ms. Lisa MacLeod (Nepean–Carleton):** Yesterday, parents from across Ontario descended on Parliament Hill, calling on the federal and provincial governments to include autism treatment as a publicly funded service. It is disappointing that neither the Premier, who made a promise to the families of autistic children that would have extended autism treatment beyond age six, nor the Minister of Health Promotion—who both, ironically, live in the nation's capital—was there. That's because families, advocates and autistic kids had to go to the federal government because this McGuinty government has broken yet another of its campaign promises. Unfortunately, this promise is to young, vulnerable children and their parents.

I rise today to ask this Liberal government: Why make a promise to a child with autism and then not make good on it?

#### IMMIGRATION POLICY

**Mr. Rosario Marchese (Trinity–Spadina):** I want to talk briefly about the undocumented workers in this province and in this country and say to those who are



watching that there were huge demonstrations here at Queen's Park this past Friday and on Saturday, where they met here at Queen's Park and then went to city hall.

They spoke about the immigration system federally and how incomprehensible it is and how discriminatory it is, inasmuch as we bring here to this country highly qualified people who can't get work. We bring in doctors and engineers who have to work as restaurant workers or who have to work in the service sector doing God knows what for \$7 or \$8 an hour. It's insane. They can't get jobs. Yet we have workers in all the trades in construction working, well paid, and they are about to be deported; many have been deported and continue to be deported every year.

We have to stop this insanity. We've got to change the immigration system. For the past 13 years nothing has been done, and we now have to lobby the current Conservative government to change the system to make it better. Some have said to the provincial minister, "You have a provincial nominee program; you're about to have power to do it. Do it quickly, so that 400 or 500 workers can stay and work, because we need them." So we plead with you, Minister—

**The Speaker (Hon. Michael A. Brown):** Thank you. Members' statements.

#### ROGER'S HOUSE

#### LA MAISON DE ROGER

**Mr. Jean-Marc Lalonde (Glengarry—Prescott—Russell):** Last Friday I joined Premier McGuinty and several of my Ottawa caucus colleagues—Ministers Watson and Meilleur and MPPs Patten and McNeely—at the official opening of Roger's House in Ottawa. Also at the opening were Mayor Bob Chiarelli, Eugene Melnyk, owner of the Ottawa Senators, and Max Keeping of CJOH, well known for his work on behalf of sick children in the area.

La Maison de Roger, un centre de soins pédiatriques palliatifs, est ainsi nommée pour rendre hommage à Roger Neilson, ancien entraîneur de la ligue nationale de hockey, décédé du cancer en 2003.

Roger Neilson coached eight NHL teams in his 25-year career. In April 2002, he became the ninth coach in NHL history to coach 1,000 games, a feat he achieved while coaching the Ottawa Senators.

La Maison de Roger servira les enfants et leur famille qui vivent avec des maladies sérieuses. Les premières familles vont arriver à la maison le 15 mai prochain.

I encourage all citizens and members of the Ottawa area to stop by the Roger's House public open house this Saturday, April 29. This is a tremendous facility which will serve many families and children in the years to come. A special thank you to the Ottawa Senators hockey club, the Ottawa Senators Foundation and the Children's Hospital of Eastern Ontario for their continued support of Roger's House.

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#### NATIVE LAND DISPUTE

**Mr. Toby Barrett (Haldimand—Norfolk—Brant):** Last night, my staff joined me at the large rally at the Caledonia fairgrounds. Premier, there is clearly an emergency in the Caledonia area, and people want to know why you continue to hide. As I walked through the crowd, I was asked, "Where is McGuinty? Why won't he come to Caledonia? Why is he indifferent to our turmoil? If McGuinty knew about this for a year, why did he do nothing to prevent it?"

All sides feel abandoned by this government. As I told many last night, the minister responsible for aboriginal affairs bounced this to Ottawa, saying it was their responsibility. April 12, he changed his tune, saying the province was on top of the situation. But native spokesperson Clyde Powless counters in the media that Ramsay "keeps sending his bum boys to us. This is the biggest reserve in Canada."

The Premier said he was seeking a peaceful solution, but the site was raided less than 18 hours later. McGuinty and his government were AWOL last night, letting down thousands of people who want to hear something. Double speaking, finger-pointing and Premier McGuinty's strategy of hiding under his desk won't fly in our area. People from all sides are saying, "Step up to the plate, tell us what's going on, and show some leadership."

#### NORTHERN MEDICAL SCHOOL

**Mr. Bill Mauro (Thunder Bay—Atikokan):** Recently, our government announced new major funding for our northern medical school. This funding matched the money that was raised by the successful Northern Ontario School of Medicine bursary fund. Originally marked at \$5 million and later matched again with an additional \$1.7 million, this government funding totals \$6.7 million.

Together with the bursary fund, this \$13.4 million is an excellent investment in our community and a solid way to train and retain doctors in northwestern Ontario. The school can focus on the unique and specific needs of rural and northern Ontario.

This important funding has been made possible through the Northern Ontario Heritage Fund Corp. and the Ontario trust for student support. It will help students from northern, rural and remote communities defray the costs associated with attending medical school and help them avoid significant debt at the end of their medical undergraduate training.

Keeping our youth in northern Ontario is important. We know that if young people in the north study in the north, there's a good chance they'll become doctors in the north. I'd like to commend the university administrators, volunteers and donors who worked so hard to build this bursary fund. Elizabeth Dougall, chair of the fundraising committee for the NOSM board of directors,

and the campaign co-chair in Thunder Bay, Greg Pilot, were instrumental in helping the private sector raise these funds. Without their strong sense of community activism, none of this would have been possible. We must also acknowledge that this bursary fund would not have been possible without the generosity of our northern citizens.

I am proud and encouraged by the investment in the north and believe it will result in the intellectual and professional development of some of our brightest young people.

#### MATTHEW DINNING

**Mrs. Carol Mitchell (Huron–Bruce):** It is with great sadness that I rise today to honour the life of Corporal Matthew Dinning. The town of Wingham, where Matthew grew up, is mourning this loss, but residents are extremely proud of the work that he did and will honour his memory with pride. He was a courageous person who put others' well-being first. We will not forget his sacrifice.

Public service is a tradition in the Dinning family. His father is a member of the Ontario Provincial Police and he, too, served outside of Canada, in Kosovo, as part of our effort to bring democracy to that country. This small community will gather together on the weekend to remember our fallen hero. Matthew Dinning will be fondly remembered.

I would also like to take this time to remember all of our fallen soldiers and to thank our soldiers who risk their lives every day to ensure that others can live a better life.

#### FETAL ALCOHOL SPECTRUM DISORDER

**Mr. Ernie Parsons (Prince Edward–Hastings):** I would like to tell you about a special young man named Tom Wilkinson. Tom was born with fetal alcohol spectrum disorder, a disorder caused by his birth mother consuming alcohol during pregnancy. Tom and his dog Shadow are walking across Ontario in order to increase awareness of FASD. He left Windsor on April 3 and plans to arrive in Ottawa on May 10. He will be stopping in 23 cities to speak with people about FASD supports in their area.

Fetal alcohol spectrum disorder is an umbrella term for all alcohol-related disorders and is 100% preventable. It is caused only by drinking alcohol during pregnancy and is the leading cause of mental retardation in Canada. It knows no socio-cultural boundaries and affects people regardless of income or education. More babies are born with FASD than with spina bifida and Down's syndrome combined.

Tom was diagnosed with FASD at the age of 13 and has experienced difficulties with physical, social, emotional and intellectual development. Tom may have a disability, but he's not disabled. He is determined to increase the awareness of fetal alcohol spectrum disorder

and to raise funds for the Fetal Alcohol Spectrum Treatment and Education Centre, FASTEC, in Belleville. Tom will be in Port Hope tonight, Brighton on Wednesday and Belleville on Thursday.

Folks, every contribution to Tom's walk counts. Just \$1 spent on printing an information brochure can literally save a life when a woman reads it and realizes the effect on her unborn child. I urge my colleagues and the people of Ontario to support Tom in this very worthy cause.

#### WEARING OF RIBBONS

**Hon. Mike Colle (Minister of Citizenship and Immigration):** On a point of order, Mr. Speaker: Today, as we observe Yom Hashoah, Holocaust Memorial Day, and we honour the memory of the victims and survivors, we have a moral obligation to recognize tragedies occurring in the world around us, especially in the Darfur region of Sudan. To bring attention to this, I am seeking unanimous consent for each member to wear a green ribbon provided by the national Darfur committee of the Canadian Jewish Congress as a symbol of our undertaking that the human catastrophe unfolding in Darfur must be brought to an end.

**The Speaker (Hon. Michael A. Brown):** Mr. Colle has asked for unanimous consent. Agreed? Agreed.

#### LEGISLATIVE PAGES

**The Speaker (Hon. Michael A. Brown):** I beg the indulgence of the House to allow the pages to assemble for their introduction.

From Chatham–Kent–Essex, we have Billy Barnier; from Toronto–Danforth, Kelsey Bishop; from Renfrew–Nipissing–Pembroke, Morgan Brodofsky; from Ottawa–Orléans, Caroline Chamberland; from Elgin–Middlesex–London, Patrick Connell; from Trinity–Spadina, Gemma Johnson; from Haliburton–Victoria–Brock, Kate Kourtsidis; from Lanark–Carleton, Elliott Leeftang; from Perth–Middlesex, Alicia Lenny; from Waterloo–Wellington, Connor Maitland; from Prince Edward–Hastings, Conor McGarvey; from Mississauga South, Kristy Mlakar; from Hamilton West, Haakim Nainar; from Don Valley West, Zachery Oman; from London West, Julian Paparella; from Brant, Alyn Poremba; from Scarborough–Rouge River, Monika Rawat; from Burlington, Gennaro Santoro; from Eglinton–Lawrence, Vanessa Sidwell; from Oak Ridges, Philippe Stanier; from Parry Sound–Muskoka, Megan Suttie; and from Scarborough Southwest, Isaac Watters.

Join me in welcoming all our new pages.

*Applause.*

#### VISITOR

**The Speaker (Hon. Michael A. Brown):** I would like to draw members' attention to a special guest in the Speaker's gallery, the deputy editor of *Hansard* in Ghana, Mr. Anthony Appiah-Yeboah. He is on a two-week



attachment with the Office of the Assembly in the Hansard Reporting and Interpretation Services branch. Join me in welcoming our guest.

*Applause.*

## INTRODUCTION OF BILLS

### LAKE SIMCOE PROTECTION ACT, 2006

#### LOI DE 2006

### SUR LA PROTECTION DU LAC SIMCOE

Mr. Dunlop moved first reading of the following bill:

Bill 106, An Act to establish a natural heritage system and watershed protection area for Lake Simcoe and the Nottawasaga River / Projet de loi 106, Loi établissant une zone de protection du bassin hydrographique et du patrimoine naturel pour le lac Simcoe et la rivière Nottawasaga.

**The Speaker (Hon. Michael A. Brown):** Is it the pleasure of the House that the motion carry? Carried.

The member may wish to make a brief statement.

**Mr. Garfield Dunlop (Simcoe North):** I'll be entitled this bill the Lake Simcoe Protection Act, 2006. The bill allows the Lieutenant Governor in Council, by regulation, to designate the Lake Simcoe and Nottawasaga River natural heritage system and watershed protection area that includes Lake Simcoe, the county of Simcoe and the other areas of land prescribed by regulation. The Lieutenant Governor in Council may also establish the Lake Simcoe and Nottawasaga River natural heritage system and watershed protection plan for all or part of the area.

## MOTIONS

### HOUSE SITTINGS

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I move that, pursuant to standing order 9(c)(i), the House shall meet from 6:45 p.m. to 9:30 p.m. on Tuesday, April 25, 2006, for the purpose of considering government business.

**The Speaker (Hon. Michael A. Brown):** Mr. Bradley has moved government notice of motion number 113. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

*The division bells rang from 1354 to 1359.*

**The Speaker:** Mr. Bradley has moved government notice of motion number 113. All those in favour will rise one at a time and be recognized by the Clerk.

## Ayes

Arthurs, Wayne	Gerretsen, John	Phillips, Gerry
Balkissoon, Bas	Gravelle, Michael	Pupatello, Sandra
Barrett, Toby	Hardeman, Ernie	Qaadri, Shafiq
Bentley, Christopher	Hoy, Pat	Racco, Mario G.
Berardinetti, Lorenzo	Hudak, Tim	Ramal, Khalil
Bountrogianni, Marie	Jeffrey, Linda	Ramsay, David
Bradley, James J.	Klees, Frank	Rinaldi, Lou
Broten, Laurel C.	Kwinter, Monte	Runciman, Robert W.
Bryant, Michael	Lalonde, Jean-Marc	Ruprecht, Tony
Chudleigh, Ted	Levac, Dave	Sandals, Liz
Colle, Mike	MacLeod, Lisa	Scott, Laurie
Cordiano, Joseph	Marsales, Judy	Sergio, Mario
Craitor, Kim	Matthews, Deborah	Smith, Monique
Crozier, Bruce	Mauro, Bill	Smitherman, George
Delaney, Bob	McMeekin, Ted	Tascona, Joseph N.
Dhillon, Vic	Meilleur, Madeleine	Tory, John
Di Cocco, Caroline	Miller, Norm	Van Bommel, Maria
Dombrowsky, Leona	Mitchell, Carol	Watson, Jim
Duguid, Brad	O'Toole, John	Witmer, Elizabeth
Duncan, Dwight	Ouellette, Jerry J.	Wong, Tony C.
Dunlop, Garfield	Parsons, Ernie	Wynne, Kathleen O.
Elliott, Christine	Patten, Richard	Yakubski, John
Flynn, Kevin Daniel	Peters, Steve	Zimmer, David
Fonseca, Peter	Peterson, Tim	

**The Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

## Nays

Bisson, Gilles	Marchese, Rosario	Prue, Michael
Horwath, Andrea	Martel, Shelley	Tabuns, Peter
Kommos, Peter	Murdoch, Bill	

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 71; the nays are 8.

**The Speaker:** I declare the motion carried.

## DEFERRED VOTES

### EMERGENCY MANAGEMENT STATUTE

#### LAW AMENDMENT ACT, 2006

#### LOI DE 2006 MODIFIANT DES LOIS

#### EN CE QUI A TRAIT À LA GESTION

#### DES SITUATIONS D'URGENCE

Deferred vote on the motion for second reading of Bill 56, An Act to amend the Emergency Management Act, the Employment Standards Act, 2000 and the Workplace Safety and Insurance Act, 1997 / Projet de loi 56, Loi modifiant la Loi sur la gestion des situations d'urgence, la Loi de 2000 sur les normes d'emploi et la Loi de 1997 sur la sécurité professionnelle et l'assurance contre les accidents du travail.

**The Speaker (Hon. Michael A. Brown):** Call in the members. This will be a five-minute bell.

*The division bells rang from 1402 to 1407.*

**The Speaker:** Mr. Kwinter has moved second reading of Bill 56, An Act to amend the Emergency Management Act, the Employment Standards Act, 2000 and the Workplace Safety and Insurance Act, 1997.

All those in favour will please rise one at a time and be recognized by the Clerk.

**Ayes**

Arthurs, Wayne	Gerretsen, John	Phillips, Gerry
Balkissoon, Bas	Gravelle, Michael	Pupatello, Sandra
Bentley, Christopher	Hoy, Pat	Qaadri, Shafiq
Berardinetti, Lorenzo	Jeffrey, Linda	Racco, Mario G.
Bountrogianni, Marie	Kular, Kuldip	Ramal, Khalil
Bradley, James J.	Kwinter, Monte	Ramsay, David
Broten, Laurel C.	Lalonde, Jean-Marc	Rinaldi, Lou
Bryant, Michael	Leal, Jeff	Ruprecht, Tony
Colle, Mike	Levac, Dave	Sandals, Liz
Cordiano, Joseph	Marsales, Judy	Sergio, Mario
Craiton, Kim	Matthews, Deborah	Smith, Monique
Crozier, Bruce	Mauro, Bill	Smitherman, George
Delaney, Bob	McGuinty, Dalton	Sorbara, Gregory S.
Dhillon, Vic	McMeekin, Ted	Takhar, Harinder S.
Di Cocco, Caroline	Meilleur, Madeleine	Van Bommel, Maria
Dombrowsky, Leona	Mitchell, Carol	Watson, Jim
Duguid, Brad	Parsons, Ernie	Wong, Tony C.
Duncan, Dwight	Patten, Richard	Wynne, Kathleen O.
Flynn, Kevin Daniel	Peters, Steve	Zimmer, David
Fonseca, Peter	Peterson, Tim	

**The Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

**Nays**

Amott, Ted	Klees, Frank	Prue, Michael
Barrett, Toby	Kormos, Peter	Runciman, Robert W.
Bisson, Gilles	MacLeod, Lisa	Scott, Laurie
Chudleigh, Ted	Marchese, Rosario	Tabuns, Peter
Dunlop, Garfield	Martel, Shelley	Tascona, Joseph N.
Elliott, Christine	Miller, Norm	Tory, John
Hampton, Howard	Munro, Julia	Witmer, Elizabeth
Hardeman, Ernie	Murdoch, Bill	Yakabuski, John
Horwath, Andrea	O'Toole, John	
Hudak, Tim	Ouellette, Jerry J.	

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 59; the nays are 28.

**The Speaker:** I declare the motion carried.

Shall the bill be ordered for third reading?

**Hon. Monte Kwinter (Minister of Community Safety and Correctional Services):** I'd ask that the bill be referred to the standing committee on justice policy.

**The Speaker:** Agreed? Agreed.

**VISITORS**

**Hon. Steve Peters (Minister of Labour):** On a point of order, Mr. Speaker: I'd like to take this opportunity to welcome the father and grandparents of page Julian Paparella. His father, Nick Paparella, is sitting up above, and Gerhard and Christ Isle, from the riding of London West.

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** On a point of order, Mr. Speaker: I would like to introduce the delegation from the regional municipality of Niagara who are here today, led by Peter Partington, the chair. They're in the galleries on both sides. I'd like to ask members to join in welcoming them to Queen's Park.

**ORGAN DONATION**

**Hon. Christopher Bentley (Minister of Training, Colleges and Universities):** On a point of order, Mr.

**Speaker:** Is it a point of order if I draw the members' attention to the fact that there are two pamphlets relating to organ donations in each of the lobbies, and remind them that there is a reception for the gift of life association tomorrow in room 228 at 4:30 to 6? Is that a point of order, Speaker?

**The Speaker (Hon. Michael A. Brown):** It is not a point of order, but thank you.

**NIAGARA RECEPTION**

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** Mr. Speaker, I actually have two very quick points of order.

I want to remind members of the Legislature of the regional municipality of Niagara and Niagara reception, which is in rooms 228 and 230 from 4:30 to 7 today, with the finest wines and the best culinary opportunities there are.

**HOLOCAUST MEMORIAL DAY**

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** Mr. Speaker, the second point is that I believe we have unanimous consent for all parties to speak for up to five minutes to recognize Holocaust Memorial Day.

**The Speaker (Hon. Michael A. Brown):** Agreed? Agreed.

**Hon. Mike Colle (Minister of Citizenship and Immigration):** "Some 10,000 Jews from all over the world finished making their way from Auschwitz to Birkenau in this year's March of the Living. Ceremonies at Birkenau, led by Nobel laureate Shimon Peres...."

"At the end of the march, participants sang the Hatikva, Israel's national anthem.

"Before the march's start, hundreds of youths carrying Israeli flags spent the morning wandering among the wooden barracks and barbed wire of the sprawling Birkenau camp, and visited the museum housed at the smaller Auschwitz camp nearby.

"Among those taking part was Diana Katz, a 23-year-old history teacher from Jerusalem, whose grandmother, Lubia Tanenbaum, survived the camp after arriving as a 14-year-old from Hungary.

"I am here with my son to show the evil people in the world that we are here, that we are alive, that we want to live and we want future generations to live," Katz said as she pushed the baby carriage holding her three-month-old son, Joseph. "We will not forget, and we have won."

I rise today to recognize Yom Hashoah V'Hagvurah—Holocaust Memorial Day—a day designated for Holocaust remembrance in communities around the world. This is the eighth year the Ontario Legislature has observed Holocaust Memorial Day, and I'm proud to say that Ontario was the first jurisdiction in the world, outside of the state of Israel, to officially recognize it.

Today is of vital importance to the people of Ontario. On this day, we bear witness to the six million innocent



men, women and children of Jewish faith who were systematically slaughtered during the Holocaust, and the hundreds of thousands of survivors whose lives have been forever affected by this most repugnant chapter in the history of man.

With the passage of each year, the number of Holocaust survivors grows smaller. With their diminishing presence, it might be all too easy to forget the horrors they faced. We must never forget the atrocities perpetrated by the Nazi "beast." By keeping the memory of the innocent victims alive, we strengthen the hope that no community will ever again have to suffer such cruelty and devastation. On this day, and each day throughout the year, we must publicly proclaim, "Never again," to the killing of Jews or any other people regardless of race, ethnicity, creed, nationality or religion.

Remembering is a solemn duty and a safeguard for the future. Silence and indifference are unacceptable; vigilance and education are essential. The values of freedom, mutual respect, justice and tolerance must be appreciated, protected and embraced. In Ontario we treasure diversity and our dynamic multiculturalism. Yet our province is not immune from anti-Semitic activity, and the world continues to struggle with ongoing tragedies, especially in the Darfur region of Sudan.

Last year, the B'nai Brith League of Human Rights warned of the growing number of anti-Semitic incidents in our province. These incidents were met with clear condemnation from all sectors of society. As the Premier stated, "There is no room for hatred in Ontario—in our school hallways, our homes or our hearts." In Ontario, we are a proud collection of many ancestries, religions, histories, languages and cultures. We must always stand up for one another. We must continue to speak out and take action against tyranny, intolerance and oppression in our own communities and throughout the world.

Last evening, I was honoured, with Minister Monte Kwinter, to attend the Holocaust Community Commemoration at Earl Bales Park in North York, an event drawing 2,500 people, making it one of the largest Holocaust memorial gatherings outside of Israel. We were privileged to hear the story of Sara Ginaite-Rubinson, who, at 17 years of age, joined a resistance movement against the Nazi regime in the ghetto of Kaunas, a Lithuanian city then a part of the Soviet Union. "I completely rejected the way the Nazis had arranged my death," said Ms. Ginaite-Rubinson. "If my fate was to die, I would die on my own terms." Ms. Ginaite-Rubinson lost all but four family members; her husband, her sister and her husband, and a cousin survived.

Her resistance is heroic, and her loss, like many others, has been immeasurable. Yet out of her devastating experience, she challenges all of us to ensure that the horror of the Holocaust is never forgotten and that the tragic stories of innocent Jews continue to be heard.

Today we stand shoulder to shoulder with our Jewish brothers and sisters at home and abroad and totally reject those who would deny the Holocaust and promote hate and anti-Semitism. Today, as we recognize Yom

Hashoah V'Hagvurah, let us resolve to never let the innocent be forgotten.

**Mr. Ted Chudleigh (Halton):** I rise today to recognize April 25 as Yom Hashoah, Holocaust Memorial Day, in Ontario. As the member who sponsored the private member's bill establishing this day in Ontario, it is always my honour to be associated with Holocaust Memorial Day and the goal of rooting out hatred and promoting human rights, civic and moral responsibility, and individual and democratic freedoms.

We initiated this memorial day as an opportunity to pay tribute to those innocents who were the victims of genocide. We have also used commemorations to promote education, especially regarding the role played by ordinary citizens who, through their inaction, allow genocides to occur.

That Ontario commemorates this day—and we are the first jurisdiction outside of Israel to officially recognize this day—makes several important points. First, the victims of the Jewish Holocaust of the late 1930s and early 1940s are remembered. Secondly, we remember the victims of other genocides around the world. Thirdly, it is an opportunity to tie the past and the present to the future by expressing our deepest fears and concerns about ongoing events in Darfur and by condemning Iranian threats of genocide against Israel.

Images conjure strong emotions. Images in the minds of Ontarians on Holocaust Memorial Day are likely those of the well-documented systematic destruction of European Jews associated with the Second World War. However, the minds of some Ontarians will be filled with other horrific images from other places and other times.

This is as it should be. We need to use our knowledge of genocide to root out its causes before it can occur. By promoting our values as citizens in Ontario, we can help other people understand how individual citizens can be culpable of genocide if they refuse to speak out as it takes hold. It is important to remember that genocide is only possible when large numbers of people abrogate their responsibilities as citizens and do nothing to stop hatred and intolerance.

**1420**

It is the European Holocaust which I believe was the most premeditated systematic genocide of modern times. Other events have been no less terrible to the victims; however, the sheer magnitude of the European Holocaust boggles the mind.

In 1933, the Nazis systemically stripped the rights and freedoms of their own citizens simply because they were Jewish. Eventually, Jews could not hold government jobs. They were barred from certain schools, they could not attend movies, they could not go to some resorts, and they were even restricted from walking in some areas of the city.

It wasn't until Kristallnacht, the Night of Broken Glass, November 9, 1938, that this stripping away of human rights flared into an undeclared war against the Jews. All the while, most of their fellow citizens failed to speak out, cowed by the fear and intimidation sown by



the Nazi fascists, whose power gained currency each time their actions went unopposed. The death of a just society is sowed one injustice at a time.

The Universal Declaration of Human Rights and the United Nations convention on prevention and punishment of genocide recognized the specific political, social, economic and cultural rights of all citizens. More and more, people around the world understand that the right to life exists, above national sovereignty or religious belief. The lack of true democratic freedom paved the way for these atrocities to occur. This theme runs through all examples of state-sponsored genocide, including Stalin's Russia, Pol Pot's Cambodia and in Rwanda: When individuals do not have a direct stake in their own government, they often fail in their civic and moral obligations as well.

Since the Holocaust Memorial Day Act passed, I have had some truly remarkable experiences and met some exceptional people. I have received astounding letters describing major changes that people have made in their lives due to Holocaust Memorial Day. I have joined students in commemoration of these events, and with them I have learned some lessons about the Holocaust from survivors.

I ask all members of the Legislature to remember that shedding light on these darkest of human actions is a reflection of our willingness to create a society that will defend all of its parts. It is a lesson we must take care to never forget.

**Mr. Howard Hampton (Kenora–Rainy River):** Between 1939 and 1945, over six million Jewish men, women and children, in addition to millions of Polish, Russian and other nationals in eastern Europe, were systematically put to death because of their race, their religion, their nationality, their sexuality or, in some cases, because of their political beliefs. During those 12 years from 1933 to 1945, entire communities and villages, indeed entire generations of families, were exterminated in the most brutal and calculated fashion. The suffering cannot be described, and the loss to humanity and the damage to human dignity cannot be measured.

Today we need to remember that those acts were carried out in a supposedly civilized society. Indeed the western world learned a terrible lesson from those horrific events: that in a very civilized society, these kinds of acts can be and were perpetrated. From that, we learned that the term "civilization" and what it means can be very tenuous.

Today we need to remember that the early warning signs of the persecution of Jews existed in 1933, 1934, 1935, 1936, 1937 and 1938, but much of the world did nothing to oppose the persecutions. And while tens of thousands of Jewish families tried to leave Nazi Germany, many countries closed their doors. We need to remember that Canada closed its doors—we closed our doors—to thousands of Jewish families who were trying to leave Germany.

We must always be on guard so that this cannot happen again. We must always speak out against anti-

Semitism, hate and racism of any kind. The fact is, our world still remains a violent and oppressive place for too many peoples. Countries continue to put their own citizens to death and continue to use military violence against their own citizens. People still live in incredible poverty, without access to food and shelter, as a result of systemic genocide policies. We need to recognize that today, in our own times, we have allowed genocide to happen in Rwanda and Sudan, even as the warning signs were being sounded again.

Today, we remember those men and women who suffered and died during the worst period of modern history, and today we must remember our responsibilities to each other. Today is about recommitting ourselves to the task of making the world a better place for all of us, a safer place for all of us, no matter our race, no matter our religion, our gender, our age, our sexuality or our political beliefs. We must remember and we must recommit ourselves, because too often those terrible lessons have been repeated again and again.

**The Speaker:** I would ask all members and guests to rise with me and observe a moment of silence in commemoration of Yom Hashoah, Holocaust Memorial Day.

*The House observed a moment's silence.*

## VISITORS

**Mr. David Zimmer (Willowdale):** On a point of order, Mr. Speaker: May I take this moment to introduce Mr. Bernie Farber, the chief executive officer of the Canadian Jewish Congress; Mr. Norman Epstein, the CEO of Canadians Against Slavery and Torture in Sudan; and Mr. Yahira Mohammed of the Darfur Association of Canada.

## ORAL QUESTIONS

### NATIVE LAND DISPUTE

**Mr. John Tory (Leader of the Opposition):** My question is to the Premier. We all watched with concern last night as the situation in Caledonia reflected, I think in an all-too-visible way, some of the anger and frustration that exists among a number of different groups in and around that community.

I told the House yesterday, and I tell the Premier, that my own visit there indicated to me that there's a very real desire on the part of the people who live and work there to try to ensure that nothing comes along that will take away from the very peaceful coexistence that has existed for many years between the different peoples in that community. But of course we all know that that will require leadership. I wonder if the Premier might give us, first of all, a general update on the situation in Caledonia and, secondly, an update on his own personal involvement in trying to bring this matter to, as he put it last week, a peaceful resolution.



**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I'm pleased to receive the question and to report to the House that I had another briefing at noon today to give us some better sense of what in fact occurred last night. What occurred last night was, indeed, unfortunate. While I'm sure all members of the House can understand the impatience and frustration on the part of both sides, I think, in fairness, it's incumbent upon all of us to ensure that none of the parties on either side loses sight of the fact that if we are going to resolve this peacefully, both sides have to continue to bring to the table goodwill and patience—two of the most precious commodities in addressing this issue.

So my advice, certainly to the members of the community and to those who are protesting on either side, is that it is going to be important for us to be calm, to be cool, to remain collected, to respect the law and to remain patient.

I'll report more with respect to your supplementaries.  
1430

**Mr. Tory:** Premier, yesterday I questioned the minister on this matter and I indicated that following a personal visit I had made there, as I mentioned—and it wasn't a matter of what I thought—I heard from people that more and better information coming to the people about what's going on was going to be helpful if we're going to keep tensions down and help get things resolved, but most importantly perhaps, to keep tensions down while things are getting resolved.

The minister responded because I had mentioned that we had been told of the efforts of the OPP going door to door, but of course the degree to which they can convey information about matters other than policing and security is very limited. Their role in going door to door to inform people has to be limited.

I say to the Premier, I believe that you and your minister have an obligation to show some personal leadership on this issue. I want to know specifically what you are prepared to do, as elected representatives and people in responsible, elected positions in the government, to inform people and have them get information directly from people in their government, on the ground. What steps are you prepared to take to show some leadership on this?

**Hon. Mr. McGuinty:** I can understand the Leader of the Opposition's desire for the government to rush into this, but that's not something we're prepared to do. We are working with all the parties involved—representatives of the First Nations community, the federal government and the community of Caledonia—in order to ensure that discussions continue. They started on one day of the weekend at 4 in the afternoon and continued until 4 in the morning. The First Nations representative asked for some time to retire to consider the results of that discussion. Those discussions, the minister tells me, will resume tomorrow, and we look forward to getting back to the table. I don't think there is a better venue for us to resolve this than at the table itself, where the parties are all being represented.

Again, it's going to take some time. I wish we could say that this is going to be resolved in the immediate future, but I have no reason to believe that's going to be the case. So I think it's very important that we all remain patient and supportive of the process we have put in place.

**Mr. Tory:** I appreciate the fact that the discussions are taking some time and that they're going on and so forth, but to some extent the Premier missed the point of the question. For example, by analogy, the chiefs of the confederacy, when they take a break from the table, take some of that time to go back to their community and inform the people they represent of what is going on. At the moment, there is nobody from your government who is doing the same thing with respect to other residents of the community, including people in the native community, frankly, who may wish to hear about what the government's perspective is on what's going on. It's information that's going to help to keep the tensions down, to keep people properly informed. There's no one there doing that.

Another thing I was told on my visit is that there were some real tensions in the schools yesterday, when they reopened, between students from the First Nations and other students. There apparently were physical and verbal confrontations in the hallways. May I ask what specific steps have been taken by your government and by you to help the school board, the schools and the teachers to make sure these kinds of tensions in the schools are kept down? What leadership is your government showing on this?

**Hon. Mr. McGuinty:** I think we should be mindful of the advice offered by the Ontario Provincial Police in a release it just put out. It reads as follows: "These are extraordinary times. This situation is complex and it requires the kind of understanding and co-operation that we have always shared as neighbours here in Caledonia and the Six Nations and it will require negotiation to achieve a lasting, peaceful resolution. I'm appealing to everyone, all the people of Caledonia and the Six Nations, to be patient while a lasting resolution is sought."

I'm not sure I could have put it any better myself. I understand there are some frustrations in the schools, in homes and in the business community on the Caledonia side, and on the First Nations side there are some long-standing frustrations there as well. But I think the best advice we can offer everyone is to remain cool, calm and patient as we pursue what I think is the best possible venue to achieve a long-term resolution, and that is through this process of discussion.

**The Speaker (Hon. Michael A. Brown):** New question?

**Mr. Tory:** I really don't disagree with a word that has been said by the Premier on this, but I think all I have—

**Mr. Greg Sorbara (Vaughan-King-Aurora):** Then get onto another topic.

**Mr. Tory:** I don't know why members opposite have to heckle on a matter like this. I'm simply trying to ask questions, and I'm trying to ask them in a respectful and professional manner to try and elicit some information.



I don't disagree with what you said about the need for patience, but I am also trying to point out that I have been there. I listened to people, and what they said was they don't know, they're not being adequately informed with respect to what is going on, what is taking place. I found the briefing offered by the government very helpful. There's no reason why some of that information—for example, historical, legal and other information—couldn't be shared with the people who live there and who are affected by this.

I'm asking you now, what specifically are you prepared to do to make sure somebody from the government takes some leadership, not abandoning patience, not abandoning negotiations, but merely to inform the people who live in those communities of what's going on on a more fulsome basis so they can understand?

**Hon. Mr. McGuinty:** To the minister responsible for aboriginal affairs.

**Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs):** The question the leader makes today in the House was also made to us in our briefing to the community, the mayor and the council yesterday afternoon. We have come back with that question and are planning to set up some mechanisms so that people can find out what's going on because, as the member rightly says, there are gaps of time when there's consultation going on in the negotiations. We are looking at easily accessible 1-800 numbers where information will be posted, websites, and using the community radio stations to give information immediately to people, as well as the door-to-door process that the OPP initiated, which has worked very well.

I understand where the member's coming from. We are working on developing mechanisms very quickly so that information can get directly to people.

**Mr. Tory:** I want to thank the minister for answering exactly what I asked the Premier three times without success, and I appreciate it.

I would suggest to the minister and ask him if he would consider—in some appropriate way where it can be done peacefully and in an informative way and in the proper kind of environment—going there, or having someone else go there, whether it's the Premier or someone else, and sit with the residents and listen to them but, more importantly, inform them.

I do think the measures you mentioned, the 1-800 numbers and other things you're thinking about, are a step in the right direction. In that regard, there was mention made in the briefing yesterday of the fact there are some very specific groups affected by this, such as the developer, the tradespeople who are working on the houses, some of the businesses and so on. Could you outline for us what specific measures you have taken to sit down with those groups and work with them to try to understand the difficulties this is causing them and to better inform them as to what's going on? What specific things have been done there?

**Hon. Mr. Ramsay:** The Ministry of Finance has given us the name of a candidate that we have now em-

ployed to work with the developer and the contractors who have suffered losses with this incident. They are in discussion today to talk about that situation, to explore ways that maybe the Ontario government can help them through this, because we know and understand that they have put their life savings into this investment, that this subdivision investment is very important to the community and to the workers in the community, too, who are losing employment right now. So all that is being explored at this time as we go on with the large table negotiations.

**Mr. Tory:** Finally, again to the Premier, I think the thing that as much as anything else is contributing to the tension and the dislocation, frankly, for people who live there is the blockage of the roads. I was in a gas station in Caledonia where, for example, the owner is having trouble getting supply for his gas station because of the configuration of the roads there. Other people are finding it difficult to commute to and from work and so on. I think there's a different kind of symbolic and legal aspect to the road closure which makes it more of a flashpoint in the community and contributes to the tension.

Can you tell us specifically what you and your government are trying to do to prioritize the reopening of the roads, especially the bypass, perhaps even starting on an intermittent basis, to get the community working properly again and, I believe, to reduce the tensions? What leadership can we expect from you specifically on the question of the bypass and the roads, which I really think are making more of a contribution to tension in the community than anything else?

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**Hon. Mr. Ramsay:** This is being handled by the government on two levels. This weekend, returning the community to normalcy was one of the first incremental steps that the table of discussion engaged in, knowing that that is one of the first things that has to be repaired and proceeded with. But also, the OPP has been handling this because it's a security and safety issue for the community, and they have been having their own ongoing discussions with the First Nations on how to return the community to normalcy.

The member is right to say that this does become a flashpoint, because the everyday lives of the people of Caledonia have been disrupted. We are very sympathetic to that. We know we've got to return both communities to a sense of normalcy as we give ourselves some time to work out a long-term arrangement here.

**The Speaker:** New question. The leader of the third party.

**Mr. Howard Hampton (Kenora-Rainy River):** My question is for the Premier. Premier, last night we witnessed an ugly spectacle unfold at the standoff in Caledonia. The media describe an angry mob marching towards and hurling racial taunts at the Six Nation protesters. What's more remarkable about this is that your government has known about the potential for a standoff at Caledonia for over a year. Six Nation members have held numerous information pickets in many locations



over that time raising the issue. My question is this: Why did it come to angry mobs and racial taunts before your government really started to take action?

**Hon. Mr. McGuinty:** First of all, I'm not prepared to accept that those who may have behaved in a fashion described by the leader of the NDP are representative of the goodwill still to be found in the community of Caledonia. I'm not prepared to accept that. I think the leader of the NDP knows—certainly a representative of his party was given the opportunity to get a full briefing on this—that our government has been involved in the larger land claim issues for at least a couple of years now. We've been involved actively in discussions since this occurred, since this protest first became an actual occupation, and we will continue to have discussions on an ongoing basis with those involved.

I think it's important to keep in mind as well that the developer involved here actually obtained the consent of the elected leadership to the First Nations community affected by this and, in reliance on that, proceeded with his development. So I think that many of us thought that this had been addressed, and obviously that did not prove to be the case. Now we find ourselves where we find ourselves, and we are doing the best we can, and I say that it's not only our government but all the parties involved, to bring this to a peaceful resolution.

**Mr. Hampton:** Premier, I think what people have a hard time understanding is this: The warning signs were all there. The warning signs were getting louder and louder, yet your government decided to appoint a mediator only 11 days ago. And then, just after the appointment of a mediator, the OPP resort to use of force. That's one of the other questions that people have. Just after the OPP resorted to use of force, the public was told it was because of confidential new information that the OPP had. But yesterday, your Minister of Community Safety said that they resorted to use of force because of the court order as a result of the private legal action. What we do know is that the use of force by the OPP escalated the tension and escalated the conflict.

So I'm asking you, because people are having a hard time understanding this: You've given two reasons. Which one is the real reason for the use of force by the OPP in what has all the possibilities of becoming a very serious conflict?

**Hon. Mr. McGuinty:** When I met with Commissioner Gwen Boniface earlier today, during the course of the briefing, I took the opportunity to express to her my deepest appreciation for the patience and determination to resolve this peacefully. I think if the leader of the NDP is looking for any kind of philosophy that informs the OPP, it reveals itself in this press release put out earlier today, which expresses a strong determination to resolve this in a peaceful way. The police have a special obligation in our society to act when they feel that public safety demands it. They have acted because they felt that that was an issue. That's as far as I'm prepared to speak to that. We are not going to direct our police when it comes to operational matters. But again, I think we need

to ensure that the police know they have our support as they express restraint, and all of us should be determined to bring this to a successful conclusion through patience and goodwill.

**Mr. Hampton:** And I think you have a responsibility, Premier, to ask the tough questions. One of the questions that remains unanswered is: Why, really, did the OPP resort to use of force? The original rationale was that they had new confidential information. When I asked your Minister of Community Safety yesterday, he didn't refer to that at all. He said it was because of the court order, as a result of private litigation. Is that how these issues are going to be determined under the McGuinty government, simply private litigation, and then the police act as a result of the court order flowing from the private litigation?

It seems to me, Premier, you've got a responsibility to the people of Ontario to show some leadership here. You had a warning of over a year. Now we have further escalation as a result of the OPP use of force. Please tell us: Where is the direction from your government, where is the leadership from your government, on this important issue?

**Hon. Mr. McGuinty:** I think now we have it. Now we've come to the crux of the position taken by the NDP. They believe that the government of the day should be providing direction to the Ontario Provincial Police on operational issues. We see things differently. We think it's important to understand that we do not, in fact, live in a police state. We have a privilege here in this House of making laws, the judges have the opportunity to interpret those laws, and our police have the special responsibility to uphold those laws. This is not a police state; it is a democracy. The leader of the NDP should understand that the police have to exercise judgment. They have to exercise discretion from time to time when it comes to moving on these things. The fact of the matter is, yes, they were bound by a court order issued by an Ontario court. How long is the leader of the NDP suggesting that they not comply with that order? Maybe he's got another answer that he might be able to provide us with, but we have confidence that our police will do the right thing in the circumstances.

#### PROPERTY TAXATION

**Mr. Howard Hampton (Kenora-Rainy River):** I say to the Premier that people have a right to expect some public policy guidelines from your government and not have the police operate according to private litigation.

Premier, on Saturday, you told the Ottawa media that you are seized with the issue of unfair property taxes. I agree. You are seized—seized like a rusty engine, because in the third year of your government you have done nothing to address the issue of unfair and regressive property taxes.

Premier, what, specifically, does the McGuinty government intend to do to address the very clear issue of unfair and regressive property taxes?



**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** Speaker, I know the Minister of Finance would like to speak to this.

**Hon. Dwight Duncan (Minister of Finance, Chair of the Management Board of Cabinet):** I think all of us in this House share a concern and the goal of maintaining a property tax system that's transparent and accountable to taxpayers and to municipalities. We have received the report of the Ombudsman, which had 22 recommendations. We have now acted on 17 of those—MPAC itself. Of those that were recommended directly to the province, we've acted on three of them. We have further indicated our desire to look at the balance of the two remaining initiatives.

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We are also cognizant of the challenges around property tax assessment in Ontario. What we want to do is to make sure that in moving forward, we get it right this time, that we don't make mistakes that will cost, for instance, one community versus another, one neighbourhood within a community versus another. We believe we're taking the prudent and responsible course in terms of addressing—

**The Speaker (Hon. Michael A. Brown):** Thank you. Supplementary?

**Mr. Hampton:** I agree that the Premier seems to be seized; he couldn't get out of his seat to answer the question.

Yesterday, Premier, I was in a community that you should know, the community of Ottawa, with the NDP's property tax task force. People in Ottawa are very clear about some of the issues they want addressed. For example, people there have read the Ombudsman's report and they know about the Ombudsman's recommendations. They want to know if you're going to implement those recommendations. People also know about the issue of downloading, how much in terms of the cost of services has been downloaded by the provincial government and the federal government onto municipal property taxpayers. They want to know, and I'm asking you now, are you going to act on those two things, the issue of downloading and the issue of the Ombudsman's recommendations?

**Hon. Mr. Duncan:** In response to the member, first of all, with respect specifically to the Ombudsman, 17 of the recommendations directed to MPAC are being done. There are five directed to the province; we've undertaken three. There are a couple more that we've said we're going to look at more carefully. We want to make sure, for instance, that we take into account the position of the Information and Privacy Commissioner.

With respect to the relationship between the province and the municipalities, we remind you that this government has begun to upload, for instance, land ambulance costs, which are moving to a true 50%. With respect to public health, we have begun there as well: this year, 65%; next year, 75%. I'll remind the member opposite that he voted against that in both cases.

The Premier has acknowledged and this government has acknowledged the challenge. We've acknowledged

there's a capacity issue. We're undoing the damage that's been done by previous governments, but we're doing it in a prudent and responsible fashion that will—

**The Speaker:** Thank you, Minister.

Final supplementary?

**Mr. Hampton:** Once again, I say to the Premier, these are people in your own city who want to know what is going to happen. So far, all they can clearly see is that your government is indeed seized up on these issues.

For example, you talk about land ambulance. Land ambulance means that in 2008, your government might cover half of the 2005 costs. We all know that the cost of land ambulance is escalating. When we talk about public health, we also know that, in fact, your contribution to many public health programs has been capped.

What municipalities want to know is, how much longer under the McGuinty government will their property taxes be used to cover costs that are really the responsibility of the McGuinty government? When are you going to keep your promise to upload the download, reverse the download? When are we going to see that, Premier?

**Hon. Mr. Duncan:** It's already begun. I'll remind the member about the gas tax, which you voted against. Let's talk about municipal records. Whatever happened to the social contract? Who bore the cost of the social contract? It was municipalities and working people.

In 1990, you promised to reform the property tax system. Did you do it? No, you didn't; you exacerbated it. Now the member opposite says he wants poorer neighbourhoods to subsidize wealthier neighbourhoods. That's hardly the Tommy Douglas model that I would have imagined that party would support. In terms of the context of the debate today on MPAC, what did your critic have to say in Ottawa as he was being booed out of the hall? He said, "We don't have a policy. The party is in the gestation of looking at some kind of official policy. We'll have a position by 2007."

We have a position today. It's a fair relationship between the province and municipalities. It's a fair property tax system that will serve the interests of all Ontarians—something we're getting right, sir. You never did. We're fixing a mess they created, and we're proud to do it in a prudent and responsible fashion.

#### OHIP OFFICE

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** To the Minister of Health and Long-Term Care: Minister, in yet another example of Ontarians paying more and getting less, the people of my riding of Haliburton–Victoria–Brock are losing the OHIP outreach office in Lindsay, thanks to your decision to close this office.

The service is extremely valuable to the people of the city of Kawartha Lakes, which is a community of over 72,000. The office operates two days a month and provides much-needed access to OHIP cards for my constituents. Minister, why are you closing the outreach office for the OHIP in Lindsay?



**Hon. George Smitherman (Minister of Health and Long-Term Care):** Yet another example that comes from the opposition party that there is no evidence for that honourable member, none by nature of her question, of the significant investments that our government has made in her community, which raises the question of why it is that the members of her community—the question comes very clearly, I think: Why is it that the people of that riding are the beneficiaries of significant investment in the form of community health centres and family health teams to address their underlying challenges with respect to primary care, and the honourable member stands in her place, only to characterize health care in her community as deteriorating? I think this speaks to the underlying challenge of the opposition party: the fundamental degree of negativity that they bring to the work that they do.

The access to the OHIP card is important across the breadth of Ontario. We seek to make sure that these services are available in close proximity, and that continues for the people of these communities.

**Ms. Scott:** Minister, without a health card, the people of my riding can't access the health care that they need, and it's getting less. The people in Lindsay, Bobcaygeon, Coboconk, Fenelon Falls and all other communities in the city of Kawartha Lakes will now have to travel even farther to get their OHIP cards.

It's not just in my community. In the words of your spokesman John Letherby, these closures are happening "far and wide across Ontario." The outreach offices have been in operation for many years. They're a valuable and important service to the people in rural Ontario.

Your spokesperson said that many services are available online, but you can't renew your health card online; you can only change your address. How does this, in the words of another of your staffers, "balance the delivery needs of the public"? Minister, will you reconsider the decision to close the office in Lindsay?

**Hon. Mr. Smitherman:** I want to remind the honourable member that communities in her riding, including Beaverton and Minden, continue to offer these services. We sought to take a look at the province and to make sure that there is equitable distribution of access points for the OHIP card. We're seeking, at the same time, to expand coverage in other areas of the province where equitable opportunities were not present.

The circumstances are clear: We seek to try and make sure that access is equitable. This is a fundamental principle of the public health care system. That honourable member stands in her place and only ever talks about those things which are challenges, and never about the significant investments that governments have made to address the underlying circumstances and challenges in that community—challenges which got considerably worse under that party while in government and are improving as a result of the significant investments that we've been making in that honourable member's riding, particularly as it relates to primary health care.

Accordingly, I'm pleased at any time to come into that community and to talk about our government's record,

the investments that we've made, and the work that we're doing to enhance the quality of the public health care system for the residents of Victoria-Haliburton.

## GASOLINE PRICES

**Mr. Howard Hampton (Kenora-Rainy River):** My question is for the Premier. Premier, today the US justice department has announced an investigation into the possible manipulation of gasoline prices in the United States. My question is this: Is the McGuinty government still of the opinion that the only thing affecting gasoline prices in Ontario is international pressures?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I assume that the leader of the NDP is suggesting that the federal Competition Bureau might take a look at the issue of gas prices. Coincidentally, that's something that we asked them to do some time ago now. The former government chose not to pursue that, but it just may be that the new government might want to take a look at that.

But we're not without some power here to assist motorists, and one of the things we have done, in order to help them better cope with the cost of using a motor vehicle, is that I'm proud to say that for, I think, the ninth consecutive time last week, automobile insurance rates in the province of Ontario have come down. They're down by 13%, and that is something that affects the pocket-book of Ontario motorists. We're pleased that at least in that way we are helping.

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**Mr. Hampton:** Premier, no fewer than seven members of your government proposed measures to protect gasoline consumers, including your now-Minister of Tourism, your now-Minister of Northern Development and Mines and your now-Minister of Citizenship and Immigration. In fact, only six months ago, all of your backbenchers voted to establish a legislative committee whose mandate would be to figure out how to stop rip-offs at the gasoline pumps. It was six months ago that your backbenchers voted for that, yet it hasn't happened yet.

So my question is this, Premier: Will you convene what all of your backbenchers advocated and many of your cabinet ministers have advocated in terms of protecting consumers, or do you still believe the problem with gasoline prices in Ontario is all as a result of international pressures?

**Hon. Mr. McGuinty:** There's no shortage of goodwill and good ideas on this side of the House when it comes to standing up for the people of Ontario. What we will not do is something the NDP did when in government: increase gas taxes by 30%. It's good to know that the leader of the NDP is now going to begin to pressure the federal government, and in particular the Competition Bureau, to look at the issue of gas prices, but on this side of the House we will take some pride in getting automobile insurance rates down. We'll also, at the same time, be going ahead with our ethanol program, which



will act as a real hedge against energy prices as we mandate the use of 5% ethanol by 2007 and 10% by 2010.

### WORKPLACE SAFETY

**Mr. Khalil Ramal (London–Fanshawe):** My question is for the Minister of Labour. April 28 is the National Day of Mourning for workers killed or injured on the job. I know you will be attending events in your riding to mark this occasion and spread the message of injury prevention.

I would like to mention someone from my riding who experienced a tragic loss to a workplace accident, but who found the strength to create a positive change. Shirley Hickman is a constituent of mine who in 2002 founded Threads of Life, a workplace tragedy family support association. In 1996, Shirley's life was forever changed by the news that her son Tim had been killed in a workplace accident. Since that time, Shirley has dedicated herself to making a difference in workplace health and safety, sharing her story in the hopes that heightened injury prevention awareness will help save lives. Her association helps families along their journey of healing by providing them with peer support assistance and referral while promoting public awareness and accountability for workplace health and safety.

Minister, please tell this House why groups like Threads of Life are so important in fighting the battle to end workplace injuries and fatalities.

**Hon. Steve Peters (Minister of Labour):** I want to thank the member from London–Fanshawe for acknowledging in particular April 28 as being the National Day of Mourning. I would encourage all members of this House to participate in ceremonies and memorial celebrations that will be taking place on April 28, and would encourage you to be there as well.

We need to use this as an opportunity to reflect on the past, but more importantly to dedicate ourselves to better prevention in this province. That's why groups like Threads of Life, which was founded by Shirley Hickman, play such an important role. Shirley Hickman went through that experience of bearing that unbearable loss of a son through workplace injury, but she somehow found the courage to dedicate herself to providing comfort for the suffering that others have experienced. She has gathered together an impressive group of individuals who have dealt with tragic loss within their families. The Ministry of Labour is working with Threads of Life to provide better information and support the families of those seriously injured at work.

The importance of injury prevention is a message we need to get out, to be conscious of the challenges that workers—

**The Speaker (Hon. Michael A. Brown):** Thank you. Supplementary?

**Mr. Ramal:** Organizations like Threads of Life deserve our support and encouragement. Shirley Hickman has built an organization that helps ease emotional pain

and provides hope to those who often feel hopeless. She has assembled a group of remarkable volunteers who courageously share their stories of deepest loss in the hope that others do not suffer the same fate as their loved ones.

Their efforts provide enormous comfort to those whose lives have been forever changed by workplace trauma, and their injury prevention advocacy helps protect future generations of Canadian workers. But I know there are other groups like hers, and other courageous advocates, some of whom are injured workers themselves, who speak out in the hope that other individuals, other families do not endure the same pain and suffering.

Minister, in what way is your ministry helping to raise awareness and spread the message of accident prevention?

**Hon. Steve Peters:** There are many advocacy groups out there that we do need to pay tribute to: the injured workers' legal clinic and Bright Lights Group; the Ontario Network of Injured Workers Groups; Women of Inspiration; and various local groups, such as the Kingston Injured Workers Support Network, Thunder Bay and District Injured Workers' Support Group, and Hamilton and District Injured Workers Group.

There are a couple of other groups that have played a very significant role as well. First, the Safe Communities Foundation, led by Paul Kells, which is bringing communities together to create a safer place to live; as well, Our Youth at Work, which is led by Mr. Rob Ellis. On Friday, the day of mourning, I'll celebrate events that will be taking place. I'm proud to participate in an event with Mr. Ellis that is going to broadcast a message to over 15,000 students in Toronto alone.

It is very important to send out that message of prevention. It's important to empower our young people to ask difficult, potentially life-saving questions. It's important for all workers, regardless of age or occupation, to understand their rights. Workplace safety is everyone's business: government, employers, workers, union leaders, community leaders and parents. No job is worth a life; no job is worth an injury.

### GREENBELT

**Mrs. Christine Elliott (Whitby–Ajax):** My question is for the Minister of Municipal Affairs and Housing. A great deal of concern has been expressed by the residents of Whitby and Ajax, and by many Durham region politicians, about a 1.1-kilometre-wide strip of land located on the Whitby–Ajax border that has been protected under your greenbelt legislation.

One of the properties in this greenbelted strip of land is owned by the O'Conner family. They are currently operating a dairy farm on this property, but this is not a viable, long-term option for them because they're being surrounded by subdivisions.

Would you please explain to us what scientific evidence exists that could possibly justify severing this land



from its surroundings and placing it under greenbelt protection?

**Hon. John Gerretsen (Minister of Municipal Affairs and Housing):** Let me start by welcoming the member to the House and thanking her for the question she has asked. As she well knows, we take great pride in the fact that this government took it upon itself to make sure that 1.8 million acres of land around the Toronto area are protected for generations to come.

All the land that was protected within the greenbelt area was either environmentally sensitive or agricultural, together with some settlement communities that already existed within the greenbelt area. We used the best science available, both from the Ministry of Natural Resources and the lead program done by the ministry of agriculture and trade.

I do believe the specific parcel of land she is talking about is the parcel of land that the town of Ajax, through a council resolution, felt should be protected as well, as they felt it was good agricultural land. It was for that reason that that particular piece of land was placed in the greenbelt. We're proud of that record. We're very proud that in many generations to come, the people of Ontario will thank this government for saving these lands for future generations.

1510

**Mrs. Elliott:** Minister, the truth is that a lack of an appeals process in this legislation has generated significant concerns for many people in Whitby-Ajax, from residents to landowners to local politicians. Mayor Dave Ryan of Pickering has said that he and other Durham region councillors have legitimate concerns and deserve to be heard. You haven't wanted to listen to us on these issues, but why are you not addressing the issues of all the municipal leaders in Durham region—not just one in Ajax; all of them—based on environmental science and not on political science?

**Hon. Mr. Gerretsen:** I can assure the member that the entire greenbelt was put together based on environmental and agricultural science—the best science that was available within the ministries.

With respect to the specific mayor that she talks about, the mayor of Pickering, I've had many discussions with the mayor of Pickering, but we have some fundamental differences. We believed that it was absolutely important that the agricultural preserve within Pickering be preserved for generations to come, and that's why we made it part of the greenbelt and that's why we're preserving that piece of land for agricultural purposes. We have exactly the same belief with respect to the Seaton lands. We've developed a plan for that area, but we've also made sure that the sensitive environmental lands plus the good agricultural lands are going to be protected.

The greenbelt is something that many governments over the years have tried to do something about. This government, under the leadership of Premier McGuinty, took the bold steps necessary to ensure that 1.8 million acres of land are going to be available for future generations to come.

## FEDERAL TRANSFER PAYMENTS

**Mr. Michael Prue (Beaches-East York):** My question is to the Minister of Finance. There's word out of Ottawa today that, thanks to what the press dubbed the NDP budget, this year the provinces are going to get a \$3.3-billion cash windfall. Thanks to what I can only describe as the dogged work of Jack Layton, the past Liberal government cancelled the corporate tax cut and put that money into services for people, like post-secondary education, public transit, affordable housing and First Nations. Can you tell us what is Ontario's share of that money and, more importantly, on what specific programs and services will you be spending our share of those budget monies?

**Hon. Dwight Duncan (Minister of Finance, Chair of the Management Board of Cabinet):** The member is right. We received a letter on March 27, dated March 24, indicating that Ontario's share would be around approximately \$1 billion. It was interestingly placed in a trust for future use, as is quite a common practice; the Tories use one as well.

The member will also be aware, based on the media reports, that in fact there are five envelopes, including the envelopes that he mentioned. We are in the process of clarifying precisely what the federal government means by that money: whether it's new money or if in fact it is a reallocation of money that was part of the previous discussions between Prime Minister Martin and Premier McGuinty. We expect to have further clarification on that over time, and the money will be booked this year in the files that it is specifically allocated to.

**Mr. Prue:** Minister, that's in part good news. But given your track record of pocketing federal money instead of spending it on what it's intended for—and the absolute best example of that is the clawback—we want to make sure that this budget goes where it's supposed to go; that is, the four major things: post-secondary education, public transit, affordable housing and First Nations.

In your last budget, the one you presented in this House just a month or so ago, you took the \$150 million given for housing by the federal government and in fact only spent \$62 million of it, leaving \$88 million floating out there somewhere. You've told us how much money you're getting: \$1 billion. Can you give a guarantee that you will spend it on the programs that it has been earmarked for?

**Hon. Mr. Duncan:** Every penny we get from the federal government is spent where it's supposed to be spent and according to the priorities of this government. I'll remind you, sir, that you voted against it. You voted against spending the money on post-secondary education last year.

The envelopes that are in question are of a range, as was mentioned: public infrastructure, housing, aboriginal issues. There is some issue around one of the envelopes, about whether that money will apply in Ontario. Those issues will be resolved. And I'll look forward to your not



voting against those initiatives, as you've done in the 2004 budget, the 2005 budget and now the 2006 budget.

It was this Premier who negotiated the \$5 billion from Ottawa. He led the fight on the health care money that we got two years ago. This government stands up for Ontario. We hope you'll stand up for Ontario to ensure that in fact we get our fair share to invest in health care, education, infrastructure, aboriginal affairs and housing. We're proud of our record in that area—

**The Speaker (Hon. Michael A. Brown):** Thank you. New question.

### NIAGARA REGION

**Mr. Kim Craiton (Niagara Falls):** My question is directed to the Minister of Economic Development and Trade. Minister, the Niagara area, with a population of over 410,000, is a thriving region. The region has many things to offer Ontarians and the world. Some of them include, of course, the falls, the casinos, our wine country and the most beautiful town in Canada, Niagara-on-the-Lake. Investments in the region are on the rise as well. Residents are optimistic about the region and our future. Minister, can you please provide us with an update on the new initiatives in the region?

**Hon. Joseph Cordiano (Minister of Economic Development and Trade):** Let me thank the member for his question and for being such a strong advocate for the Niagara region. He has worked very hard.

Let me just bring you up to date. There have been some new investments made. DMI recently announced that it's investing in Ontario to build wind towers. That will create 100 high-paying jobs in the Niagara region. I'd like to update you on the fact that GM is also investing additional dollars in St. Catharines—an additional \$170 million in St. Catharines by GM. Great Wolf Lodge: a \$130-million investment, which will create over 500 new jobs. That's a great news item for the region as well.

In addition to that, our budget announced \$9 million for roads and bridges, creating additional construction jobs throughout the province that will also benefit Niagara. There's a new hospital for the Niagara region. Construction will start in 2007-08, and that will create additional construction jobs. So good things are happening in Niagara.

**Mr. Craiton:** My supplementary question is also directed to the Minister of Economic Development and Trade. Minister, you mentioned Great Wolf Lodge. I briefly want to say that I was there at the opening, and one of the comments was that the \$130 million was invested in Niagara for two reasons: (1) It's the right place to invest it, and (2) it's because of the kind of government we have and the openness we have. So I'm pleased to share that with you.

Thank you for the update. Minister, as you know, the wine industry is a key part of economic development in the Niagara region. In 2004, the domestic wine industry contributed over half its retail value—over \$243 mil-

lion—to the province in tax revenues. Hundreds of new jobs were created, and more than 750,000 visitors discovered the vibrant wine regions of Ontario. Last year, unfortunately, the wine industry suffered greatly from the short crop due to severe weather conditions. Can you explain to the House what we are doing to help support our wine industry, Minister?

**Hon. Mr. Cordiano:** I'm happy to bring the member up to date. The recent budget provided \$3 million for VQA producers and an additional \$1 million to the wine council to support wine marketing efforts. In addition to that, we as a government have provided \$10 million to support the Wine Council of Ontario. This was in addition to monies provided in the budget for marketing and promoting Ontario wines.

The LCBO also works closely with the wine industry to promote Ontario wines. In fact, they have a monthly VQA superstars promotion in LCBO stores. There are plans for a dedicated VQA area in LCBO Vintages, as well as increasing sales of Ontario wines. The target is to increase them by 170% over the next five years. We also have a new, dedicated Ontario wine flagship LCBO store in St. Catharines to help promote Ontario wines, selling Ontario wines. So a lot is going on.

We'll monitor this and watch very carefully to see if more help shouldn't be offered in the future. We're there to support Ontario's wine industry.

1520

### DISABILITY BENEFITS

**Mr. Cameron Jackson (Burlington):** My question is to the Minister of Community and Social Services. Minister, as the minister responsible for the Ontarians with Disabilities Act and the Ontario disability support program, I'd like to ask you if you feel that persons suffering from mental health problems should continue to be eligible for ODSP and that there should continue to be permanent disability recognized by your government through the ODSP and its programs.

**Hon. Madeleine Meilleur (Minister of Community and Social Services, minister responsible for franco-phone affairs):** Let me say that this government has invested more than any government before to improve the lives of people on ODSP. We are reviewing the policy, and we're looking to work with the community and the parents to see where the money in the budget would best help those in need in the community.

I can assure the member from Burlington that helping ODSP recipients is a priority for me, and we will soon be announcing where we are going to invest the money.

**Mr. Jackson:** A constituent of mine contacted me a couple of months ago because, prior to Christmas, she had made application for the special diet allowance through the Ontario disabilities support program. No sooner was she on the program than she received a letter from your government stating that her special diet allowance was being reviewed.

You just said that you wanted to consult with the disability community, and yet you didn't consult with the



disability community when you disenfranchised and made ineligible thousands of Ontarians on the Ontario disabilities support plan. In fact, this individual suffers from severe mental illness. She was eligible prior to Christmas for the program. She is no longer eligible because your predecessor, in her wisdom, determined that mental health should no longer be included as an itemized account for persons to apply. As a result, my constituent cannot apply for the special allowance and she's had her permanent designation removed.

Minister, how can you say in this House that you are consulting with the disabled community when you're very actively disenfranchising—

**The Speaker (Hon. Michael A. Brown):** The question's been asked. Minister?

**Hon. Mrs. Meilleur:** I have to tell you that the Ontario government has worked very hard to maintain the integrity of the special diet allowance. What we have done is, we have added to the list. Before, there were no real criteria as to who should receive this allowance for a special diet. We have corrected the mistake that has been made for quite some time.

We have asked the Ontario Medical Association to give us some diagnostics that will require a special diet. That's what we have done. We have this list, and every recipient has received a letter advising them that this special diet allowance will be reviewed. That's what we are doing. We are doing it in a professional way, not in the way that it was done before. I have to congratulate my predecessor for the work she has done in this—

**The Speaker:** Thank you.

#### HOSPITAL FUNDING

**Ms. Shelley Martel (Nickel Belt):** I have a question to the Minister of Health and Long-Term Care. The London Free Press reports today that hospitals in Stratford, St. Marys, Seaforth and Clinton have "dodged the provincial scalpel by negotiating an agreement" with your ministry which will see additional money put into their budgets. This money means that the four hospitals won't have to make cuts to patient care as a result of your Bill 8, which forces hospitals to balance their budgets. A dozen other Ontario hospitals still haven't balanced their budgets because they know this will mean cuts to programs and staff too. When can these other hospitals expect a similar deal, so that they won't have to make cuts that will affect patient care?

**Hon. George Smitherman (Minister of Health and Long-Term Care):** As we worked very diligently through the hospital balanced budget process, we sought, of course, to make sure that any alterations that occur are not impactful on patient care. With respect to the direct question the honourable member asked about the 12 hospitals that are not yet in balance, in most of those instances we have a peer reviewer on site who is assisting us in determining what level of funding might be appropriate. Accordingly, we're approaching these, as I've said so very often, on a case-by-case basis.

**Ms. Martel:** The question was, when can these other hospitals expect a similar deal? We know that a dozen other hospitals have not balanced their budgets because they know that will mean dramatic cuts to patient care, to programs and to staff, and all these things will negatively affect the hospital and negatively affect the communities. Peterborough Regional Health Centre faces a potential \$4.5-million deficit. St. Joseph's Health Care and London Health Sciences in London haven't been able to deal with their deficits either. These hospitals, these communities, need a deal too. When can these hospitals expect a similar deal, so that they don't have to make cuts to patient care?

**Hon. Mr. Smitherman:** The deal that the honourable member speaks about is not going to feel like the deal she offered to hospitals in Ontario when she closed 11,000 beds while having the privilege of governance. We are, as I said in my earlier answer, working through these on a case-by-case basis with each of those hospitals.

#### NATIVE LAND DISPUTE

**Mr. Dave Levac (Brant):** My question is for the—  
*Interjections.*

**The Speaker (Hon. Michael A. Brown):** The member for Niagara Centre will come to order.  
*Interjections.*

**The Speaker:** I can wait. Order. The member for Brant would like to ask a question.

The member for Brant.

**Mr. Levac:** My question is for the Minister of Education. The leader of the official opposition has fairly asked a question about our students in the surrounding area from our school boards to their concerns regarding the Caledonia issue. As a principal and a guidance counsellor, I helped design some of the programs that are necessary to help our kids through circumstances that are beyond their control. I would like to ask you clearly what we are planning to do, what we are doing, what we can do to help our students during this particular crisis that is going on. I consider it a crisis regarding our students, because they're quite fearful. We want to know exactly what is going on to assure the parents that our students are being dealt with and that our school boards collectively have something in place to take care of our students.

**Hon. Sandra Pupatello (Minister of Education, minister responsible for women's issues):** I think it's important, especially for members of the opposition, to understand that the field offices of the Ministry of Education have been in constant contact, not just with the schools but with the boards in the area. They have been involved with the police to see that everything is safe; I think that's everyone's primary concern.

Secondly, counsellors—child and youth service workers—have been in the schools. The director from the board, as well, has been at the school nearest to all of this. I'll just read one paragraph that I think summarizes that the board, the schools and certainly our ministry are

very concerned and active and, in a very proactive fashion, doing what we can to assist the situation. This is just one paragraph of a letter that went home to parents through the children:

"During our time today, the staff and students had the opportunity to get together and discuss the situation that is going on. We stressed mutual respect and the ability to work through our problems in a productive manner. We also took some time to pray for a speedy and safe resolution to the problem."

Thankfully, our board of education in the area is certainly concerned and acting in a very appropriate manner.

1530

## PETITIONS

### PASSPORT OFFICE

**Mr. Joseph N. Tascona (Barrie-Simcoe-Bradford):** I'm very pleased to present a petition to the Legislative Assembly of Ontario, which reads as follows:

"Whereas, at present, residents of Barrie and surrounding area must travel to Toronto to receive a passport; and

"Whereas the only service available to obtain information or make application for a passport in the city of Barrie is through the post office or through the local MP office; and

"Whereas a passport to travel is now becoming a way of life for Canadians and there is a great need for a full-service passport office in the city of Barrie; and

"Whereas, due to the growth in population and demand and necessity for a passport to travel, a full-time service passport office in the city of Barrie is essential; and

"Whereas, due to the current security enforcement in place, a full-service passport office in the city of Barrie is essential; and

"Whereas a full-service passport office would be beneficial not only to residents of Simcoe county but also Parry Sound-Muskoka region;

"We, the undersigned, petition the federal government to give consideration for a full-service passport office in the city of Barrie."

I support it and affix my signature.

### SERVICES FOR THE DEVELOPMENTALLY DISABLED

**Mr. Peter Kormos (Niagara Centre):** "To the Legislative Assembly of Ontario:

"Whereas, without appropriate support, people who have an intellectual disability are often unable to participate effectively in community life and are deprived of the benefits of society enjoyed by other citizens; and

"Whereas quality supports are dependent on the ability to attract and retain qualified workers; and

"Whereas the salaries of workers who provide community-based supports and services are up to 25% less than salaries paid to those doing the same work in government-operated services and other sectors;

"We, the undersigned, petition the Legislative Assembly of Ontario to address, as a priority, funding to community agencies in the developmental services sector to address critical underfunding of staff salaries and ensure that people who have an intellectual disability continue to receive quality supports and services that they require in order to live meaningful lives within their community."

With hundreds, if not thousands of, signatures from Niagara region, and my signature as well, page Julian is delivering this to the Clerk's table.

### IDENTITY THEFT

**Mr. Tony Ruprecht (Davenport):** I have a petition to the Parliament of Ontario, especially to the Minister of Government Services. It reads as follows:

"Whereas identity theft is the fastest-growing crime in North America;

"Whereas confidential and private information is being stolen on a regular basis, affecting literally thousands of people;

"Whereas the cost of this crime exceeds billions of dollars;

"Whereas countless hours are wasted to restore one's good credit rating;

"Therefore we, the undersigned, demand that Bill 38, which passed unanimously on November 30, 2005, be brought before committee and that the following issues be included for consideration and debate:

"(1) All consumer reports should be provided in a truncated (masked-out) form, protecting our vital private information, such as SIN and loan account numbers.

"(2) Should a consumer reporting agency discover that there has been an unlawful disclosure of consumer information, the agency should immediately inform the affected consumer.

"(3) The consumer reporting agency shall only report credit-inquiry records resulting from actual applications for credit or increase of credit, except in a report given to the consumer.

"(4) The consumer reporting agency shall investigate disputed information within 30 days and correct, supplement or automatically delete any information found unconfirmed, incomplete or inaccurate."

Since I agree, I'm delighted to sign this petition.

### LANDFILL

**Mr. Norman W. Sterling (Lanark-Carleton):** "To the Legislative Assembly of Ontario:

"Whereas there is currently a proposal to more than double the size of the Carp landfill in west Ottawa; and

"Whereas this site has been in operation for some 30 years and had been expected to close in 2010; and



"Whereas the surrounding community has grown rapidly for the past 10 years and is continuing to grow; and

"Whereas other options to an expanded landfill have yet to be considered; and

"Whereas the municipal councillors representing this area—Eli El-Chantiry, Janet Stavinga and Peggy Feltmate—and the MPP, Norm Sterling"—and Lisa MacLeod—"all oppose this expansion;

"We, the undersigned, support our local representatives and petition the Minister of the Environment not to approve the expansion of the Carp landfill and instead to find other waste management alternatives."

I agree with that, and I've signed it.

### COMMUNITY MEDIATION

**Mr. Bob Delaney (Mississauga West):** I have a petition to the Ontario Legislative Assembly that was given to me by Joe, Tammy and Maria Amaral of Treeview Drive in Toronto, and I want to thank them for that. It reads as follows:

"Whereas many types of civil disputes may be resolved through community mediation delivered by trained mediators, who are volunteers who work with the parties in the dispute; and

"Whereas Inter-Cultural Neighbourhood Social Services established the Peel Community Mediation Service in 1999 with support from the government of Ontario through the Trillium Foundation, the Rotary Club of Mississauga West and the United Way of Peel, and has proven the viability and success of community mediation; and

"Whereas the city of Mississauga and the town of Caledon have endorsed the Peel Community Mediation Service, and law enforcement bodies refer many cases to the Peel Community Mediation Service as an alternative to a court dispute; and

"Whereas court facilities and court time are both scarce and expensive, the cost of community mediation is very small and the extra expense incurred for lack of community mediation in Peel region would be much greater than the small annual cost of funding community mediation;

"Be it therefore resolved that the government of Ontario, through the Ministry of the Attorney General, support and fund the ongoing service delivery of the Peel Community Mediation Service through Inter-Cultural Neighbourhood Social Services."

This is an excellent petition. I'm pleased to support it and to ask page Kristy to carry it for me.

### LANDFILL

**Ms. Lisa MacLeod (Nepean—Carleton):** I'm pleased to add my voice to the member for Lanark—Carleton's in petitioning the Legislative Assembly of Ontario for the residents of Nepean—Carleton.

"Whereas there is currently a proposal to more than double the size of the Carp landfill in west Ottawa; and

"Whereas this site has been in operation for some 30 years and had been expected to close in 2010; and

"Whereas the surrounding community has grown rapidly for the past 10 years and is continuing to grow; and

"Whereas other options to an expanded landfill have yet to be considered; and

"Whereas the municipal councillors representing this area—Eli El-Chantiry, Janet Stavinga and Peggy Feltmate—and the MPP Norm Sterling" and Lisa MacLeod, "all oppose this expansion;

"We, the undersigned, support our local representatives and petition the Legislative Assembly of Ontario to ensure the Minister of the Environment does not approve the expansion of the Carp landfill and instead to find other waste management alternatives."

I, like many of my constituents, affix my signature to this petition.

### AGGREGATE EXTRACTION

**Mr. Kevin Daniel Flynn (Oakville):** "Petition to Rescind Joint Board Decision (June 8, 2005) Approving the Applications of Dufferin Aggregates to Expand Its Mining Licence in the Niagara Escarpment World Biosphere Reserve.

"To the Legislature of Ontario:

"There are numerous reasons for rescinding the joint board decision, including the following:

"Whereas the decision contravenes the purpose of the Niagara Escarpment Planning and Development Act;

"Whereas the decision sets a precedent for quarry expansion licences on the Niagara Escarpment;

"Whereas this decision could lead to habitat destruction for species of concern;

"Whereas escarpment rural lands are equivalent to buffer designation under the United Nations' framework for biosphere reserve...;

"Whereas to attempt to maintain the significant wetlands and the stream's course, water will have to be pumped in perpetuity;

"Whereas this decision allows for pumping 50 feet/17 metres below the water table;

"Whereas the 50-foot dams to be constructed have a potential for failure;

"Whereas aggregate can be readily accessed close to market off the Niagara Escarpment in land that is not protected or at risk;

"We, the undersigned, petition the Legislature of Ontario as follows:

"We call on the government ... to:

"Issue an order by the Lieutenant Governor in Council ... rescinding the decision made by the joint board dated June 8, 2005, approving the applications of Dufferin Aggregates in regards to this matter; and

"Issue an order by the cabinet substituting for the decision of the board on this matter, a decision rejecting the applications of Dufferin."

#### NATIVE LAND DISPUTE

**Mr. Toby Barrett (Haldimand–Norfolk–Brant):** I have a petition titled "We Demand Leadership in Land Dispute," directed towards the Legislative Assembly of Ontario.

"Whereas the McGuinty government was notified of this land issue over a year ago; and

"Whereas the standoff has been ongoing since February 28, 2006; and

"Whereas there has been no leadership from senior levels of government;

"We, the undersigned, demand the McGuinty Liberals start showing some real, consistent and timely leadership in dealing with the current standoff in Caledonia."

These names were gathered late last night, and I affix my signature to this.

#### LONG-TERM CARE

**Mr. Dave Levac (Brant):** I appreciate this opportunity. I'm sending this petition to the Legislative Assembly on behalf of my seatmate, David Caplan, the minister of infrastructure renewal.

"We, the undersigned, who are members of family councils, residents' councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007)."

I sign this petition on behalf of my seatmate.

1540

#### PUBLIC EDUCATION

**Mr. Tony Ruprecht (Davenport):** I have a petition that's addressed to the Legislative Assembly of Ontario. It reads as follows:

"Whereas the people of Ontario demand a quality public education system that will give our children the tools to compete with the world; and

"Whereas Premier McGuinty and the Liberal caucus are fighting for our future by implementing a positive plan to improve our public schools, including smaller class sizes;

"Whereas the Conservative" establishment "want to take millions from public education to literally pay people to withdraw their children from the public system and send them to elite private schools;

"We, the undersigned, petition the Legislative Assembly of Ontario to support Premier McGuinty in his commitment to giving our children a ladder to success through excellent public education and not spend

taxpayer dollars to benefit the few who can afford private school tuitions."

Since I agree with this petition, I'm delighted to sign it.

#### NATIVE LAND DISPUTE

**Mr. Tim Hudak (Erie–Lincoln):** I'm pleased to read a petition like that of my colleague from Haldimand–Norfolk–Brant. It reads as follows: "We Demand Leadership in Land Dispute

"To the Legislative Assembly of Ontario:

"Whereas the McGuinty government was notified of this land issue over a year ago; and

"Whereas the standoff has been ongoing since February 28, 2006; and

"Whereas there has been no leadership from senior levels of government;

"We, the undersigned, demand the McGuinty Liberals start showing some real, consistent and timely leadership in dealing with the current standoff in Caledonia."

In support, I affix my signature as well.

#### PROPERTY TAXATION

**Ms. Shelley Martel (Nickel Belt):** I have a petition addressed to the Legislative Assembly of Ontario. It reads as follows:

"Whereas it is recognized by all levels of government that reliance on property taxes by municipalities is inherently flawed as an instrument for funding the long-term needs of municipalities as they are based on assessable property values and not the ability to pay; and

"Whereas the present market value assessment system is not transparent in that the Municipal Property Assessment Corporation does not release details to the public as to how it applies the reassessment equation; and

"Whereas the present market value assessment system contributes to inflationary pressures by taxing unrealized capital gains;

"We, the undersigned, petition the Legislative Assembly of Ontario to institute a review of the current market value assessment system and, in the interim, immediately amend the Municipal Act to include a cap on residential property tax increases to be the lesser of 5% of the previous year's assessment or the previous year's increase in the annualized consumer price index."

This petition was sent to me by Derek Derasp of Skead. It's signed by a number of residents who live in Skead, which is in my riding. I agree with the petitioners, and I've affixed my signature to this.

#### LONG-TERM CARE

**Mr. Dave Levac (Brant):** I appreciate the opportunity to present another petition on behalf of the Honourable David Caplan, the minister of infrastructure renewal, from his good riding of Don Valley East. This is a petition to the Legislative Assembly of Ontario.



"Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging seniors and parents who are residents of long-term-care homes need, with the respect and dignity that they deserve; and

"Whereas, even with recent funding increases and a dedicated staff who do more than their best, there is still not enough time available to provide the care residents need. For example, 10 minutes, and sometimes less, is simply not enough time to assist a resident to get up, dressed, to the bathroom and then to the dining room for breakfast; and

"Whereas those unacceptable care and service levels are now at risk of declining;

"We, the undersigned, who are members of family councils, residents' councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007)."

I sign my name to this petition and hand it over to page Alyna from Brant. I'm very proud of her. Thank you very much. I appreciate it.

## ORDERS OF THE DAY

### TRANSPARENT DRUG SYSTEM FOR PATIENTS ACT, 2006

### LOI DE 2006 SUR UN RÉGIME DE MÉDICAMENTS TRANSPARENT POUR LES PATIENTS

Resuming the debate adjourned on April 20, 2006, on the motion for second reading of Bill 102, An Act to amend the Drug Interchangeability and Dispensing Fee Act and the Ontario Drug Benefit Act / Projet de loi 102, Loi modifiant la Loi sur l'interchangeabilité des médicaments et les honoraires de préparation et la Loi sur le régime de médicaments de l'Ontario.

**The Acting Speaker (Mr. Ted Arnott):** We're resuming debate on Bill 102. When the House last dealt with this issue, the member for Erie–Lincoln had the floor. The member is present, and I would turn to the member for Erie–Lincoln and recognize him.

**Mr. Tim Hudak (Erie–Lincoln):** Thank you very much, Mr. Speaker. Do you mind reminding me where I was?

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** You were saying how good the bill was.

**Mr. Hudak:** I like that. My colleague from St. Catharines said I was saying how good the bill was. You probably had a chance to look at my comments. It's good for Wal-Mart and Shoppers Drug Mart. I was pointing out

the irony of that because many members in the House here would probably find it interesting that the large drug chains will probably benefit significantly from this bill, at the expense of the small mom-and-pop pharmacy operations in the province.

This is the CIBC World Markets equity research company update that I'm quoting from, so it's not just the MPP for Erie–Lincoln. I thought members would find it interesting that CIBC is making that point.

Let me give you some highlights again from their document. "As currently structured, the changes are generally negative for the pharmacy industry, but particularly troublesome for smaller, independent players.

"As the largest player in Ontario, Shoppers will be impacted. However ... Shoppers"—Wal-Mart etc.—"has options available to it that are not possible for the smaller, independent players."

The Ontario government has proposed changes to the drug benefit plan that will impact retail operators. The government "has attempted to cobble together a program that does not materially harm pharmacists, while reducing government costs.... We are not sure that this bill accomplishes these goals in a judicious manner."

They go on to say, "Independent pharmacists, who have no leverage" in the marketplace "will be at huge risk if this passes."

Not to dwell on this too much, as there are other aspects I wanted to address, but CIBC World Markets concluded by saying that, as structured, this bill provides no incentives for pharmacists to help reduce health care costs by counselling, advising and/or promoting generics. "As structured, this bill not only contains no incentive ... it could also be a blow to drugstores, in particular the mom-and-pop operations."

I thought I should bring this to the members' attention because I do believe there is a great deal of sympathy among members for the mom-and-pop pharmacists that serve our communities, particularly the smaller communities. I do hope we'll see some amendments in the bill to address this issue highlighted not only by the pharmacists but, as you can see here, in the CIBC report.

The second issue I wanted to make some comments on—many of you may have seen Minister Smitherman's appearance on Focus Ontario this past weekend. It was a good discussion. On a couple of occasions, the minister used a word—that there would be a substitution for "same" drugs or "similar." Sometimes "similar" was used and sometimes "same" was used. I think that getting to the bottom of what the language is that allows for interchangeability of drugs is going to be crucial to determining if Bill 102 will improve health care or potentially harm patients, depending on how that definition comes into play. That's why I'm pleased that my colleague the member for Kitchener–Waterloo has pressed for public hearings on this, so we can better understand.

For example, the bill allows the drug czar—I think they call him the executive director, but effectively he's the drug czar—to determine interchangeability on drugs that are similar, as opposed to the same. Mr. Speaker, I



think you well know that currently a patient who's on an expired brand product could be substituted a generic equivalent that has already been deemed bio-equivalent by Health Canada. The scientists at Health Canada would have studied this and made the determination that there's bio-equivalency and therefore substitution would be allowed. That has been the case in Ontario for some time because it has had the stamp of approval from Health Canada after extensive research.

The bill, as I read it today, gives caution that it may allow a pharmacist to give another product in a class that may be different to that which the physician prescribed if it's deemed interchangeable by the drug czar. This would not necessarily take into account, for example, the physician's intimate knowledge of his or patient. The physician may disagree with that substitution to a similar product that is a change from the current definition of "same."

1550

Another issue brought up on the show was—I know our constituents have inquired about this too: What happens if the doctor indicates on the scrip that no substitutions should be allowed? Would there still be substitutions taking place under this legislation, if passed as it is? Both those questions deserve considerable research and input at the committee level, hopefully to make sure that this bill will improve health care and the quality of service that patients receive under the Ontario drug benefit program.

As I said, as the finance critic, I think that at its heart, this bill is more about cutting costs than improving the quality of care. My colleagues opposite on the government side have said that people should not get their hopes up about new, breakthrough drugs coming on the formulary too quickly. Sometimes members opposite say, "This is going to happen"; other times they say, "Don't get your hopes up. This isn't going to happen any time soon." I think the reason they're raising that caution is because, at its heart, this bill is about cutting costs in the Ontario drug benefit program rather than improving the breadth of the drugs, particularly brand name drugs, that are available in the system.

I'll give you a couple of other examples that reinforce my premise that it's mostly about spending less in the drug benefit program; I think we should understand that when we're considering Bill 102. Obviously, the government does need to get its expenditures under control. The notion of increasing spending by 9.2% per year is simply unsustainable. The economy is growing at less than half that rate at a nominal level, so I understand that the government needs to get its spending under control. We certainly call for that. We need to make sure that when spending reductions or controls take place, they're done in the best interests of preserving the quality of government services and, here, the quality of the drug program.

Another thing I would call your attention to is the new generic pricing rule that would take place under this legislation, what's called the flat 50 rule. The flat 50 rule

would mean that generic prices are limited to a maximum of 50% of the brand price in all cases. That's a departure from the current 70% rule, where the initial brand on the list gets 70% of the price, and subsequent generics get 90% of that 70% etc., reduced down the way. So the 50% rule will be a reduction in spending, no doubt. The question will be, will that limit the number of generics that will become available in the system or not?

Earlier, I spoke on the CIBC report about limiting the amount that pharmacists receive in compensation. Similarly, long-term-care homes would now have access to government stock. The premise here would be a reduction of wastage of government stock. What we need is some clarification. Does this mean that the pharmacies at the long-term-care facilities may have access to the stock, or are they being forced to purchase through the government stock only, which we worry would limit the amount of drugs that are available to long-term-care facilities?

There are other areas that I'm concerned about. I am pleased, as I said, that this is going to committee. I look forward to further debate. But I do particularly hope that when it comes to mom-and-pop pharmacists and interchangeability, we'll see more response from the government.

**The Acting Speaker:** Questions and comments?

**Ms. Shelley Martel (Nickel Belt):** In response to the comments made by the member from Erie—Lincoln, let me focus on two points that he made. The first has to do with the impact of the bill on community pharmacies. I would assume that other members are receiving the same kind of faxes that I am from community pharmacies—I'm talking about mom-and-pop operations; I'm not talking about big chains—who have very carefully talked about the financial implications they've already been facing because, for example, the dispensing fee has been inadequate for such a long time and how the changes that the government is proposing will have an impact on them.

This is something that we do need to take a very serious look at in committee. I understand that a commitment has been made to have this go to committee, and I will be sitting on that and look forward to seeing how many communities and what that structure will be. But I do think it would be very unwise of all of us to just immediately dismiss the concerns that have been raised by community pharmacies. With the way they have been highlighted with respect to rebates and the way they have been categorized in that respect, there are significant financial issues for them that are not similar to issues faced by big chains in the province.

I, for one, coming from a small community that has only one pharmacy, do not want to see that pharmacy affected. Many people, especially seniors in my community, rely heavily on it. The next one is not for a number of miles away, and I don't want to see it impacted in a negative light, as I'm worried that many community pharmacies will be with respect to the legislation.

Secondly, with respect to the bill being really one designed to take money out of the system, the ministry's



fact sheet says that there will be projected savings of about \$289 million that will be savings for reinvestment. It would be a good idea for the ministry to actually put it in legislation that any savings would be reinvested in the drug benefit program in the province, and then we'll really see whether or not there are gains to be made and where that money goes.

**Mr. Khalil Ramal (London-Fanshawe):** I'm delighted to stand and speak in favour of and in support of the bill. I believe it's a very important step toward correcting this situation that has taken forever. I want to congratulate the Minister of Health for bringing innovative ideas to this place all the time, moving on important issues concerning the people of the great province of Ontario.

This issue today is very important. It concerns how much money we spend on drugs to support the people of Ontario, to support the sick people of Ontario: \$3.5 billion on a yearly basis. Our Minister of Health, our government and the taxpayers invest \$3.5 billion in this area on a yearly basis. That's a lot of money. If we are able to save some money and reinvest it back into the system, it's an important issue for people that will give us the ability to list more drugs and the ability to enhance the drugs we give to the people of this province.

I think it's a great initiative. I think it's a great bill. It gives us the ability to correct what was not corrected for a long time. If you knew the amount of the rebate that pharmacists and pharmacies receive from drug companies, you would be amazed. It comes to almost \$300 million on a yearly basis. I think the taxpayers in this province deserve to take it back. They deserve to get it to reinvest it in the system in order to help us to list more drugs, to give us more ability to do research and innovation.

I hope all members of this House will support this bill because it's a good step in the right direction to help sick people in this province, to help our health ministry and health department to be able to function and to serve the good people of Ontario.

**Mr. Joseph N. Tascona (Barrie-Simcoe-Bradford):** I'm very pleased to comment on this bill and certainly on the comments made by the member from Erie-Lincoln. I had the pleasure of listening to him last Thursday when I was in the Speaker's chair, like yourself, Mr. Speaker, and today for just a brief six minutes; not enough—

**Mr. Hudak:** Too short.

**Mr. Tascona:** Far too short, I would say. The member has raised a lot of very important points with respect to this particular bill. It's not all about the cost savings this government is trying to achieve, because that's what they're trying to achieve. No one is against achieving cost savings, but we also want to look at the other side of the balancing act in terms of proper care for patients. That's the problem here.

I echo the remarks of the member from Nickel Belt. This has got to go to public hearings in a big way. The comments of the member from Erie-Lincoln about Wal-Mart, prescription fees and how the small, mom-and-pop

pharmacy is going to be treated under this are very disturbing. That is something that has to be looked at in a very close way in terms of what the government is trying to achieve here because, if what they're trying to do here is to take away the service level and the information that is provided—everybody knows that the information that's provided at the local pharmacy in terms of health care is a fundamental part of our health care system in terms of people getting proper advice on health care—if that's going to be swept away by this bill, putting forth the big-box store type of approach to the distribution of drugs, I don't know whether that's what the public wants.

I think the government has to be clear and know what they're trying to achieve here, but if that's what they're going to do, that's not in the best interests of the public.

**1600**

**Mr. Tim Peterson (Mississauga South):** I'm pleased to answer a couple of questions of the opposition. If a doctor declares that a drug can't be substituted, then it cannot be substituted. The pharmacist will not be able to override him and impair any possibility of his treatment.

Let me also assure the House that in the extensive consultations that were undertaken in the preparation of this bill, they consulted heavily with all levels of the pharmacies. The role of the smaller pharmacies, the backbone of our rural communities, the backbone of our small communities, who often serve as alternative consultants to people's health care needs, will be appreciated and they will be rewarded because they will have increased dispensing fees and they will be given professional service fees for the consultations they undertake. This will help impact any negative effect of the reduction of these rebates or other fees in the dispensing of the drugs. We are very hopeful and positive that there will be very little negative impact, especially to the smaller drugstores.

There is, however, an elimination of the massive rebates. Those rebates, in effect, went through largely to the larger drugstores and were developed over the history of the last 20 years and are not in the best interests of the efficiency of the drug distribution system.

It's my pleasure today to correct this. I look forward to working with all members of the House in terms of giving them more information on the extensive consultations that were undertaken as part of this drug bill.

**The Acting Speaker:** That concludes the time for questions and comments. I return to the member for Erie-Lincoln, who has two minutes to reply.

**Mr. Hudak:** I appreciate the responses by my colleagues from Nickel Belt, London-Fanshawe, Barrie-Simcoe-Bradford and Mississauga South. I do appreciate the parliamentary assistant's response, because that was an important concern that we'd heard about with respect to the override of a physician's order for no substitutions. I thank the parliamentary assistant for responding to my question during the often-underestimated questions part of questions and comments.

Secondly, my colleagues from Nickel Belt and Barrie-Simcoe-Bradford brought up important points with



respect to the impact on small pharmacies. The parliamentary assistant offered some assurances, and I look forward to the public hearings to hear directly from the small business operators who are having a difficult enough time making ends meet in Dalton McGuinty's Ontario, let alone further restrictions placed upon them under Bill 102.

I had commented as well on Thursday, and I want to restate those comments, about the role of the so-called drug czar and what kind of individual the drug czar will be. The minister had spoken about the cloak of science and had objected to the cloak of science that had been around these decisions in the past, and some indication that the drug czar would not be a doctor or pharmacist I think was the implication. I do worry, though, that if this bill is about reducing costs in the drug benefit program, it may be an accountant instead who's chosen as the drug czar. Certainly we all understand the importance of getting bang for buck when it comes to tax dollars and reducing costs, but I don't think any of us would be very satisfied if it was strictly an accountant's approach. Nothing against accountants, but I don't think we would be happy if the drug czar making decisions on interchangeability did so from a purely quantitative basis on the numbers, as an accountant would. I'd be much more comfortable with somebody with a science background, and I hope we'll see that followed through.

**The Acting Speaker:** Further debate?

**Ms. Martel:** I want to thank the House for the unanimous consent that was provided last week to have the lead stood down. I will be doing the lead for the New Democratic Party today. I want to begin by saying that I welcome the opportunity to put on the public record the serious concerns that our party has with respect to Bill 102. I am pleased to note that there will be public hearings on this bill. I think it demands it. I look forward to also sitting on the committee as the bill is further reviewed and we go through that public hearing process and clause-by-clause.

I have a number of serious concerns that I want to put on the public record during the course of the afternoon, and I want to begin—this is not in any particular order of seriousness—with the new position entitled executive officer of drug programs which is being created in the bill.

I find it fascinating that the government is coming forward with the creation of a new position with respect to drug programs. The reality is, there already is a drug programs branch at the Ministry of Health. There already is a director of the drug programs branch at the Ministry of Health, a bureaucrat by the name of Susan Paetkau. I'm not sure why the government is not using this particular individual, who already is in charge of the drug programs branch, to be responsible for some of the changes that are being outlined in the bill. I remain very concerned that the government has clearly made a decision to move from a position that is a bureaucratic position where there is accountability back to the minister and then back to the electors in this province to a

situation where the government will create a different position, a somewhat new position, and that position will be filled by an order in council. I disagree with that approach because, as I said at the start, we already have a drug programs branch; we already have a director who is accountable. My concern is that the use of an order in council makes whoever becomes the new executive officer essentially accountable back to the government that appoints him or her. I don't think that does very much at all for accountability or for transparency.

I gather that during the course of debate on the bill there have been some references to OHIP and the director at OHIP, that this is a similar kind of position that is being established. I would point out to members who have been using that argument that in fact some of the powers and functions of the new executive director are far different from the powers that are exercised at OHIP.

For example, the director who deals with OHIP services does not have the unilateral authority or ability to delist OHIP services. That is a responsibility that remains in the hands of the cabinet, and that has to be done by regulation—if not indeed by legislation, usually by a change in regulation. The director of OHIP does not have the ability to add services to the OHIP schedule of benefits. Again, that is a requirement that comes through regulation, which is a function and responsibility of the cabinet of the day. Thirdly, the director at OHIP does not have the ability to unilaterally determine a fee schedule either for physicians or for their health care providers who depend on OHIP for their compensation. That is done, as we saw with the OMA, by government agreement through negotiations and through agreement by the parties, and it is ratified by cabinet. So indeed there is a very significant difference, in my opinion, with respect to the powers that this new executive officer is going to have and the powers that some in the government, as I understand, have related to the general manager or the director of OHIP.

Indeed, this new executive officer will have unilateral powers to enter into agreements with drug companies on pricing, and that will not have to be done by regulation. Those powers and others are significantly different from the power that is currently exercised at OHIP, and I think allowing an individual to have those kinds of powers is excessive and unnecessary. I see a very clear distinction between the two positions and, from my perspective, I have very serious concerns about both the increased power and the way that the executive officer will get the job; that is, by OIC.

1610

Let's deal first with some of the powers that this executive officer, who is not an elected official, who is not a bureaucrat, but who indeed will be in place by order in council, will have under this bill. I'm referring to section 8, the new section 1.1(2), "Functions and powers." It says that the new executive officer will be responsible:

"(a) to administer the Ontario public drug programs;

"(b) to keep, maintain and publish the formulary," which is a current ministerial power that is being delegated to the executive officer;



“(c) to make this act apply in respect of the supplying of drugs that are not listed drug products as provided for in section 16,” which is the section that deals with special access;

“(d) to designate products as listed drug products, listed substances and designated pharmaceutical products for the purposes of this act, and to remove or modify those designations”—again, a responsibility that is being delegated;

“(e) to designate products as interchangeable with other products under the Drug Interchangeability and Dispensing Fee Act, and to remove or modify those designations;

“(f) to negotiate agreements with manufacturers of drug products, agree with manufacturers as to the drug benefit price of listed drug products, negotiate drug benefit prices for listed substances with suppliers, and set drug benefit prices for designated pharmaceutical products,” which is a significant new responsibility indeed;

“(g) to require any information that may or must be provided to the executive officer under this act or the regulations or any other act or regulation to be in a format that is satisfactory to the executive officer;

“(h) to make payments under the Ontario public drug programs;

“(i) to establish clinical criteria under section 23; and

“(j) to pay operators of pharmacies for professional services, and to determine the amount of such payments subject to the prescribed conditions, if any.”

That, on page 7 of the bill, is the list of the powers of the executive officer, which is a new position that is being created under the bill. If I might, I will just focus on three of those that jumped out at me as significant in terms of the power that is being conferred or transferred or delegated to this individual; powers that I would argue are going to someone who is not an elected official but comes to the job through an OIC appointment.

The first one has to do with the power to make regulations designating products as interchangeable with others, which is a ministerial power in the current situation, and the power to remove designations of interchangeable products by way of regulation, which is a current power of the Lieutenant Governor in Council. These two powers are now transferred or delegated to the executive officer. I think the delegation of that to someone who is appointed by OIC weakens accountability to the public. When the minister or the Lieutenant Governor makes those changes and there are concerns about that and people want to raise concerns, those concerns go back directly to the government of the day—to the minister of the day and the cabinet of the day that made the changes in the first place—and they become accountable for those decisions. In this case, those powers are being delegated to someone who is not elected, who is appointed by order in council and who, frankly, in that respect, is at arm's length from the public and at arm's length in terms of accountability to the public.

The second power is a new power to include products that may be designated as interchangeable, not only

where they have the same active ingredients in the same dosage form, but also where they have similar active ingredients in a similar dosage form. It's clear in the bill that this is a new power and that when the bill is proclaimed the minister will have this new power at first by regulation. However, that new power will be transferred or delegated to the executive officer at the time the bill goes into effect after royal assent. These powers are to be exercised at the discretion of the executive director, and interchangeability designation will no longer require a regulation; again, from my perspective, delegation of an authority that would be better held in the hands of the minister or cabinet because they are accountable to the public. We see that that will happen in the first instance, but after the bill has received royal assent—and I know the government wants many of these changes in place by October—that power will be transferred to the executive officer. We won't even need a regulation in that circumstance to make those changes; the executive officer will have the unilateral authority to do that on his or her own. Again, from the perspective of accountability and transparency, these are matters better left with elected officials or at least ministry bureaucrats, and that is not the case in this particular case.

The third area I want to highlight also has to do with the power through regulations to designate listed drug products in the ODBA formulary and to remove products from the formulary. Currently it's both the minister and cabinet through the Lieutenant Governor in Council that have these powers, through regulations, to have these designations. This power will be transferred or delegated to the executive officer.

Secondly, it's going to be the executive officer, not cabinet, who will have the authority to set out or establish the specific or specified clinical criteria that must be met as a condition for payment in respect to specified drug products or classes of drug products. That's a very significant power to have, and it will be not the cabinet but the executive officer that will have the full authority to set out the specified criteria.

Thirdly, and this one is the most important in this section, it will be the executive officer—not the minister, not cabinet, not even a ministry official—that will have the authority or power to determine the drug benefit price of a drug that's listed in the formulary.

If you go to the explanatory notes in the bill, it says the following about this particular section: “The drug benefit price in respect of a listed drug product, previously set out in the regulations, may be determined by the executive officer, as agreed to by the executive officer and the manufacturer, and published in the formulary, in accordance with provisions of the ODBA. The drug benefit price for products that are not on the formulary, but for which the executive officer has made the ODBA”—the Ontario Drug Benefit Act—“apply through an exceptional access program, may also be determined by the executive officer, in accordance with the regulations. The executive officer may establish rules, criteria and procedures that a manufacturer must follow in submitting requests for changes to the drug benefit price.”



I say again that my concern in this section in particular is the power that is afforded to an individual with respect to the setting of drug prices. That is not a power similar to what we see with respect to OHIP; those still remain responsibilities of cabinet and the minister and would have to be dealt with by cabinet and the minister, usually through regulation. In this particular circumstance, I believe the executive officer has some very significant new powers. But because that appointment is through OIC, that individual is not accountable back to the public with respect to the decisions that are made, for example, about the rules, about the criteria and about the procedures that a manufacturer is going to have to follow in submitting requests for changes to the drug benefit price. I think those decisions should have to be made by elected officials so that elected officials can be held accountable for the same decisions that are made.

I remain very concerned, as I look at the bill and as I look at the extensive list of powers, responsibilities and jurisdiction, for example, that the executive officer is going to have as listed on page 7 of the bill. I remain very concerned about the level of power that is there, why it is going to someone who is going to be appointed by order in council, and where the accountability is for decisions that will be made by this individual as per the powers and functions that will be afforded to this individual.

I very firmly and strongly believe that many of the responsibilities that are outlined in this section should continue to be maintained and adhered to by, and provided by, elected officials either through the ministry or the Lieutenant Governor in Council, which would essentially be cabinet.

If I look at the section I just talked about, which is the setting of drug prices, I have a number of questions that were not answered in the bill about how this is going to take shape and form: What is the process that is going to be followed? What is the framework, for example, that the executive officer is going to use with respect to negotiations with drug manufacturers? What is the approach? What is the structure? The bill is silent with respect to any information about how all of this will proceed, even though it is quite a significant new and, from my perspective, extraordinary power that has been given to an individual.

I think we should have some of those details in the bill itself, in the legislation itself so we can be very clear about how this process is going to proceed. My question is, who will be giving instructions in this regard? Who will be giving direction in this regard? What is the bottom line for the executive officer? Who is setting that bottom line and who will be responsible for ensuring that the bottom line is met?

1620

When I look at the projected savings, for example—and I assume some of the responsibility of this new executive officer with respect to setting drug benefit prices will deal directly with the savings that the government proposes to achieve or hopes to achieve—one has to ask a second question in relation to the framework for

these negotiations: Are the savings that the government has put out on its website legitimate? Are they realistic? What information was this based on? I'm referring specifically to the fact sheet that has been produced by the Ministry of Health and Long Term Care. It's entitled "Ontario Drug Program Estimates 2005/06 vs. 2006/07." It has projections on what the ministry expects to spend: 2005-06, a 15% growth in the drug program. In 2005-06, what actually was spent was approximately a 10% growth. "Total drug spending before efficiency gains" was a little over \$3 billion.

Then the ministry talks about the "Savings from the proposed drug strategy," which I assume are the savings that are proposed, or that the ministry hopes to realize through Bill 102. The projections are: "Better management of drug distribution—\$53.5 million; Better management of formulary listings—\$62.5 million; Better value for government expenditures—\$106 million; Federal shared payer model—\$67 million" for "Total projected efficiency gains"—or savings is probably the better way to describe it—of about \$289 million, which the government says will be up for reinvestment.

I've got a couple of concerns with respect to the figures that I see in front of me. First of all, the federal shared payer model—it's very clear this government hasn't had any negotiations with the federal government about a federal drug benefit plan being the first payer with respect to federal government employees. It is true that that kind of agreement is in place in two other provinces in Canada, but my understanding is that there have been no discussions with the federal government to date about a similar agreement in Ontario. We don't know how long that will take to negotiate and we don't know what the potential savings that have been listed in the government's fact sheet are in fact based on. That number is a real moving target from the perspective of us being at a stage where negotiations haven't even commenced. I'm not even sure if discussions themselves have commenced with the federal government with respect to the federal government assuming this responsibility, as it does for two other provinces. So that's a moving target with respect to that \$67 million.

I would argue the other three figures that the government has put out are moving targets as well. Nowhere in the bill is there any indication about where these savings are coming from in terms of what estimates the government is using to make these kinds of projections. I've looked in the background papers and I don't think that I've seen concrete information in the background papers as well with respect to how the government arrived at these figures that they're using for projected savings. My concern is that the government sets out for public consumption an estimate of \$289 million which they believe will be saved through the proposals that are included in Bill 102, yet the government has failed, from my standpoint, to disclose the information that would support those estimates.

The second point that I want to make in this regard is that the minister said, and I suspect that other members



from the Liberal caucus who spoke to the bill last week have said as well, that the savings that are generated, whatever they may be, through this particular bill, if indeed there are savings generated, will be reinvested in Ontario's drug program. So I looked through the bill to find a particular clause which would say just that, which would commit the government in legislation, in Bill 102, to ensure that any and all savings that end up being generated, if they are, will be reinvested back into the drug program. I can tell you that nowhere in Bill 102 is there any provision, is there any section, is there any detail with respect to a firm government commitment that any savings generated are going to be reinvested in this program.

I say to the government, if you are serious about this statement, if you mean what you say, then I would certainly have expected to see a provision in Bill 102 which would have articulated that, which would have made it very clear, which would put into the legislation a guarantee that indeed savings will find their way back into the program and not into the consolidated revenue fund. So I expect that if the government means what it says, it will move an amendment during the clause-by-clause which will clearly state, clearly put in place in the legislation, a guarantee that any savings that are generated will, in fact, be reinvested back into the drug program. I would certainly move that amendment, and I will be moving a similar amendment, because I want to hold the government and the minister accountable to what the government has already said about savings. I want to be very clear that if there are savings to be found, they're going to go back to the drug program for new drugs and not into the consolidated revenue fund.

We just went through an experience with another government bill, Bill 36, where I moved a similar amendment with respect to savings to ensure that all of the savings that, for example, a LHIN board had in a year would not be deducted from the global amount of funding they received in the next year, that indeed they would receive the global amount of money and any savings they had achieved. Regrettably, the government members voted that amendment down. So I look forward to a government amendment on savings or, if the government doesn't choose to do so, what the government's response will be to an amendment that I would be intending to move which will make it clear that savings have to be reinvested to be sure they go back into the drug plan and not into the consolidated revenue fund.

I want to move on to my next concern, which has to do with the government's statement that it is going to have some consumer or patient representatives sitting on the new committee to evaluate drugs which is going to replace the DQTC, the Drug Quality—I forgot the proper name; that's all right—the DQTC. I've got two concerns with this. Number one, I looked through the legislation to see where it is in the bill that the government has a specific legislative provision to appoint patients to this new committee to evaluate drugs, and I didn't find that provision anywhere in the legislation. My concern is that

it's one thing for the government to say that there will be consumer or patient advocates who will be on a committee to look at how drugs are paid for and which drugs are paid for, and yet I see nothing in the legislation that will make that a guarantee. Again, I would have assumed that if the government was serious about having patient advocates or patients represented on the committee that is making decisions about drugs, then that would be clearly articulated in the legislation. It would be in the legislation and we wouldn't have to worry that there might be a backtracking from the government in that regard. But there is no provision, as it stands, in this bill for patient representatives to be included on the committee, and I look forward to the government bringing forward an amendment during the clause-by-clause that will clearly establish that in legislation. I would intend to do that as well, to ensure that there is some accountability and that the government is held to its promise it had made when the bill was introduced that consumers or patients are going to have much more power in the decision-making with respect to drugs. Let's put that in the legislation; let's be very clear that that's going to happen.

The second very significant concern I have has to do with cancer drugs in particular, because the government says that there will be consumer advocates on this committee to evaluate drugs, which was formerly the Drug Quality and Therapeutics Committee. The government says, "These patients will be involved in individual drug funding decisions." But I want to tell you that the review process, the approval process for cancer drugs in particular, includes a joint committee that is a committee of members from both the current DQTC and Cancer Care Ontario. I see nothing in the bill to talk about that particular committee and where the role of patients is in that particular committee.

1630

Let me tell you what my concern is. This government made a change to the process of review and approval of cancer drugs in February 2005, and I want to just put on the record what that change was. The current review process for new cancer drugs is as follows: "In 2005, a joint review process between the Drug Quality and Therapeutics Committee and Cancer Care Ontario was established to review and advise the ministry's expert advisory committee, the DQTC, on the reimbursement of new cancer drugs and therapies, either through the Ontario drug benefit program or Cancer Care Ontario's new drug fund program. The DQTC review process includes an evaluation of the clinical value, safety and cost-effectiveness of drug products or indications. The DQTC then makes a final recommendation to the ministry. Only drugs or indications that have been reviewed and recommended through the joint DQTC-CCO process are considered for funding and addition to the new drug fund program."

So the current process for funding drugs has a committee process that is different from the one that Bill 102 refers to, and what's important about that is that many of the decisions that are made with respect to new cancer



drugs will not be made by the committee to evaluate drugs but will continue to be made by the committee that's still in place—that is, the joint DQTC-CCO committee. I don't see any provision in the legislation or in the remarks that have been made by the minister or in their background notes where there is any provision for consumer, client or patient representation.

Let me tell you why that is extremely important. It's extremely important because we know that there have been decisions made to not cover very important cancer drugs that oncologists and their patients have identified as being drugs of last resort for people in the province of Ontario. Velcade is one of them, and I just want to read into the record a letter I recently got from a patient who is extremely concerned that a decision has now been made in Ontario to not cover Velcade. It goes as follows, from Kathleen Olsen:

"I am one of those 50,000 myeloma patients that Dr. Keith Stewart wrote about in his letter to the Toronto Star (April 15). In 2004, I had the opportunity to participate in a clinical trial using Velcade for my relapsed multiple myeloma.

"I have written Mr. Smitherman on more than one occasion about the reality of being a cancer patient in Ontario and as yet have never received a reply, let alone an acknowledgement of my letters. My suspicion is that since multiple myeloma is still considered a terminal illness and Velcade is very expensive, the issue is money. It is interesting that Velcade was approved by Health Canada for treatment of relapsed and refractory myeloma and, as Dr. Stewart wrote, 'has been hailed as a breakthrough drug,' yet didn't seem to impress the Ontario ministry's Drug Quality and Therapeutics Committee, who supposedly use an 'evidence-based approach.' There has been lots of this 'evidence' published and presented by the medical community. Thankfully, Mr. Smitherman doesn't seem to mind if myeloma patients take their charge cards to the Provis clinic to receive their Velcade, but it does not absolve him of his responsibilities as the Minister of Health.

"The Ontario prescription drug reform sounds promising, especially if there is a process to obtain new drugs while they are formally being evaluated. But I find it ironic that myeloma patients cannot obtain an effective drug that has been evaluated unless they are willing to pay for it themselves, so I'm not hopeful.

"Living with cancer requires being involved in your care, asking questions, having faith in the medical community and a lot of hope. It shouldn't depend on your bank balance—we have enough to worry about."

Velcade is not the only drug that has been turned down. Most recently, Thalidomide was turned down as well. In a letter to the Ministry of Health, through a Freedom of Information request that I did earlier this year, we have discovered that in fact a number of drugs have been turned down through the joint CCO-DQTC process—a process that right now doesn't have any consumer or patient representation, and a committee that I don't see in this legislation is going to have any patient

representation. I think it's imperative that there be patient and consumer representation on this particular committee looking at cancer drugs, because so many of these patients are facing the end of the line with respect to treatments that have been used and require new drugs and are not able to get access to them. They need a voice—a clear voice, a concise voice; two voices, in my opinion—sitting at the joint DQTC-CCO review process to have their input with respect to the funding of new drugs, because by the time that committee makes its recommendation to the DQTC, those decisions are already made. There isn't a chance for input; the deal is already done. Having patient representatives only on the new committee to evaluate drugs, which is the former DQTC, is not going to cut it for cancer patients who need new intravenous cancer drugs.

Let me just give you some idea of the magnitude of the problem and why we need consumer representation and patient representation when it comes to recommendations with respect to new cancer drugs. We asked the director of the drug program branch, Susan Paetkau, the following questions: "How many drugs have been approved to be added to the ODB or funded through CCO's new drug funding program?" This was as of February 2005, so this is recent; just a little over a year. The response to that was:

"Eight products/indications have been recommended for funding through CCO's new drug funding program ... and have received ministry funding.

"Five products/indications have been recommended for funding through the Ontario drug benefit" program.

"One ODB product/indication was reviewed ... and it was recommended that the listing status remain unchanged," so it will "continue to be listed as a limited use benefit under the ODB program."

Our second question was, how many of these drugs/indications have received a positive response and are being funded to the new drug funding program? The following have received approval: Herceptin; Herceptin for various indications, which I won't mention; Herceptin for a third indication; Vinorelbine; Taxotere; and Taxol for three different indications for treatment of various cancers and cancer situations. Two generic products were also recommended and reviewed by the DQTC and are being paid.

Under ODB as well, we have a number of products that have received funding and been approved.

What was interesting was the response to question 3, which was, "How many ... products ... have not been approved and what are they?" Under this particular section, there have been 14 products or indications that have been reviewed by the joint DQTC-CCO committee and have not been recommended for funding under the new drug funding program. I won't go through the list of those, but there were 14 products under the new drug funding program and two under ODB that were not approved for funding for cancer treatment of various forms and various forms of cancer and various indications.



The reality was that more drugs were not approved for funding than were approved. Sixteen were not approved; 14 were. So a little over half of the drugs coming forward to the committee were not approved for funding. As a result, many patients, like patients who need Velcade, which was recently not approved, aren't able to access expensive cancer drugs for the treatments they require. Many of those are making very terrible decisions, very difficult financial decisions, about how to try to pay for that. Many just can't afford to pay for that and so are not receiving access to drugs that their oncologists believe would be life-saving or would prolong their lives.

The point of all this is that while the government talks about having patient access and patient input and patient participation in the drug process and the drug approval process, it is clear from my reading of the legislation that that refers only to the committee to evaluate drugs. I see no indication in the legislation of what the government is doing with respect to the process it only put in place in February with respect to approval for cancer drugs, which is a joint process between the DQTC and CCO. That is also a committee that absolutely requires patient or consumer input and representation and participation, particularly from those who are requiring new drug treatments for cancer.

Nothing like that is in the legislation, and I hope that if the government is serious about patient participation, it is going to do two things: first, very specifically put into the legislation the amendment, the requirement, that there will be patient representation and, secondly, that that representation will not only be on the committee to evaluate drugs, which is the new committee that is being established to replace the DQTC, but that there will be patient representation as well with respect to the approval and review process around cancer drugs, because that is a different process. It's not clear to me where it fits in Bill 102, but it is very clear to me that it is an important committee that makes very specific recommendations about cancer drugs where there appears to be no input from consumers at this time. Waiting for those decisions to reach the committee to evaluate drugs will essentially mean the end for cancer patients, because the decisions around which drugs to approve and which drugs not to approve will already have been made and their input will be meaningless at that level.

1640

I want to raise concerns about section 16 of the bill, which is the section of the bill that has what I guess you could call special access. The government briefing note says: "We intend to improve access to new drugs by enabling listing drugs under certain conditions while awaiting further evidence. We intend to enable faster decisions and to have the reasons for them openly communicated. We will dramatically reduce paperwork for physicians and pharmacists."

This refers essentially to what we now know as the section 8 process, which allows physicians in the province to make an application to OHIP for special consideration for their patient for a drug, for example, that

may not be listed on the ODB, so that they can have access to that drug while a review is underway by the DQTC to see whether or not there will be approval and a listing on the drug formulary.

If I look at this particular section in the bill—I just want to read it into the record and then the concerns that I have about it. Page 18 of the bill, section 25, the new section 16 says the following with respect to:

"Unlisted drugs, special case

"(1) If a physician informs the executive officer that the proper treatment of a patient who is an eligible person requires the administration of a drug for which there is not a listed drug product, the executive officer may make this act apply in respect of the supplying of that drug as if it were a listed drug product by so notifying the physician....

"Listed drugs, special case

"(3) If a physician informs the executive officer that the proper treatment of a patient who is an eligible person requires the administration of a drug for which there are one or more listed drug products but for which the conditions for payment under section 23 are not satisfied, the executive officer may make this act apply in respect of the supplying of those listed drug products as if the conditions were satisfied."

That appears to be the only reference to special circumstances, to special access, that I can find in the legislation. I have significant concerns about that, because the government background papers and, indeed, in the debate that has gone on, very clearly made a promise to the public that we're going to have faster decisions, that these decisions are going to be openly communicated, and we're going to dramatically reduce paperwork for physicians etc.

But if you look in the section, the only section that appears to be relevant to the government's promise, there are a whole bunch of unanswered questions. For example, what are the certain conditions under which the executive officer may permit access by patients to listed or unlisted drugs? Those conditions should be outlined. We should have a sense of what it is that is going to make easier access for patients to receive some of these drugs. I'm particularly interested in whether or not those conditions are going to apply to cancer patients, for example, who need intravenous cancer drugs.

We know right now in the province that the section 8 process applies only to oral medication, so that a physician can apply to the ministry for an exemption for a special case, to get an oral drug that's not listed on the formulary. The government says there are going to be some changes with respect to intravenous drugs as well. It's not clear to me what those are, and I want it clearly outlined in the legislation that there is going to be special access consideration for intravenous cancer drugs too.

Members will recall that I had a number of cancer patients in the gallery in November and raised a very specific question to the minister about why we don't have in the province some mechanism for oncologists, for example, to apply to the Ministry of Health for access to



a cancer drug of last resort for a patient who has exhausted all other options. The minister dismissed that question, dismissed that option, dismissed that alternative that I put to him during the question that day. It is a very serious issue and I want to see very clearly, and I don't, in this legislation: Does the executive officer have the power to also deal with oncologists' requests, for example, to have a cancer patient get access to a particular cancer drug that has not been approved by the new committee to evaluate drugs? That has to happen.

We cannot continue to have an essentially discriminatory practice in the province where, if you need an oral medication and it's not on the formulary, you can apply for that through a section 8, but if you need intravenous cancer drugs normally administered through a hospital, there isn't a similar exemption application form that your oncologist can work through to try and get that drug covered. You have to hope that the hospital in question might have it in their global budget to provide you that treatment, and most don't, or then you have to have enough money in your pocket to go elsewhere and pay for that, and many people don't.

That inequity, that discrimination, has to end. It's not clear in section 16 that it is ending; it's not clear in section 16 that the executive officer is going to allow oncologists, for example, to make applications for cancer patients to have special access. That has to be done. It is imperative. So we need to look at that.

We need to know, does "doctor" also mean an oncologist making application? What are the certain conditions where access is going to be had by patients to both listed and unlisted drugs? How is it that the paperwork of doctors and physicians is going to be dramatically reduced? It looks like the executive officer is going to receive all these applications. I'm not sure how he or she is going to get through the onerous process of dealing with all of this. I know this application process is very onerous; I've heard it from patients and physicians alike. But there's nothing in the legislation that says how we're going to deal with that and how the new process is going to be any simpler. What are the guarantees the government is providing to patients that in fact this process is going to be much faster?

Those are things, frankly, that should appear in the bill, not in regulation, not left to another day, not left to other policy considerations. If you're making a promise, and the government very clearly has in the announcement it made with respect to this bill and in the background briefing notes, that the process is going to be much easier, much simpler, that people are going to have access, then clearly articulate that in the legislation. How is that going to work? Who's going to be eligible to apply? Does it mean that cancer patients who need access to intravenous cancer drugs are going to be able to apply for special access too and get their cancer drugs paid for, whether or not those have been approved by the government at that particular point in time when they need that?

On behalf of all those patients who were here that day and many more who have lobbied all of us, because they

have—patients needing Velcade, patients needing Avastin and patients needing other cancer drugs—we have got to respond. We haven't responded in this legislation, as far as I can see, to ensure that there is no more discrimination with respect to access by cancer patients to intravenous drugs.

Let me go through some of the other concerns I have with respect to the bill. With respect to the rapid review for breakthrough drugs, in the government's background document on page six it says:

"Rapid review for breakthrough drugs

"We intend to significantly speed up the review process for breakthrough drugs, by starting the review prior to the drug being marketed in Canada."

I looked in Bill 102 to see what that process is going to be: What is it that the government is considering? What is the process the government intends to use to significantly speed up the review process for breakthrough drugs? There isn't anything in the legislation that outlines what that process is going to be. So it's one thing to make a commitment, as you do in your background paper and in some of the speeches, that this is going to happen; it's quite another thing to have in the legislation even some of the details of what you have in mind.

Are you looking at the federal process, whereby if you get an approval, if you get your NOC, that's going to be good enough for the government of Ontario, and those drugs then are going to be immediately listed on the formulary? What is it the government has in mind with respect to these drugs and the rapid process? There's no doubt in my mind, because I've seen it with cancer drugs, that the current process has been very long, very delayed, very excessive, and to my mind, very unfair. If you've got some different ideas about what's going to be done, and it seems you do, because the government has referred to this and articulated it in the background paper, then let's see it in the legislation. Let's see clearly what the government has in mind to make sure that new drugs will be on the market much faster.

What other jurisdiction are you relating this to? Is it a federal process we're going to be using? What is it? If you don't want to put it in the legislation, then at least have the policy documents available for people so we can see what it is you have in mind. My concern is that the government is making a statement, when there probably has been very little done in this regard. If something has been done, then we should see it in the legislation.

1650

Secondly, I talked about the citizens' council—no, I haven't actually talked about it. The government says, "We will give the public an opportunity to guide public drug policy." That should be in the legislation. The formation of that council, its creation and implementation need to be right in the bill. It shouldn't be left to policy; it shouldn't be left to regulation. If you're intent on having citizen participation, then put that in the bill. Put in the bill the composition and how those people are going to be selected for the committee so that it's clear to everybody that you mean what you say.



In the same way, in the background papers the government talks about the pharmacy council: "We recognize the importance of more actively engaging pharmacy in public drug programs. The pharmacy council, jointly chaired by the ministry and a pharmacy representative, will give pharmacy a greater voice in guiding policy." I looked through the bill for the specific clause that establishes the pharmacy council and there isn't any provision, any clause or any amendment in the bill.

It is critical that pharmacists have a greater role and a greater say in Ontario's drug policy. They are primary care providers, in many communities giving advice to many clients. We should recognize that role and that contribution and we should look for ways and means that they can be involved in other ways as well. But there's not even a provision in this bill to create the pharmacy council, as promised by the government. If you mean what you say, then put it in the bill. Make it very clear to anybody who looks at it, pharmacists included, that you're going to go forward with the promise you have made. The best way to do that is to establish right in the bill what the council will be, how they will be represented, how many representatives from government and how many representatives from the pharmacy association. Put that in there so that it's clear and there can be no backtracking, and we will have some accountability with respect to this particular promise.

One of the things the government has said about a role for pharmacists was that they hoped pharmacists would become more involved, or become involved, in family health teams. I remember the government saying this very thing about eye doctors when they delisted eye exams. In response to a question at the time, the minister said, "We expect optometrists to be part of the family health team." I don't expect there's any family health team right now that has an optometrist as a partner; as well, I'd be very surprised if we ever see the day when pharmacists are partners in family health teams.

I say to the government, don't hold out the false hope to either pharmacists or the public that one of the new roles of pharmacists is going to be as members of family health teams. I doubt very much that that's going to happen. It certainly didn't happen in the case of optometrists even though well over a year ago the minister said in this House that that was his objective and that's what he wanted to see. I'll bet you there isn't one family health team that has an optometrist on it, and I don't expect that there's ever going to be a pharmacist on a family health team either.

We should look at increased roles, but let's at least be honest and up front with the public about what we mean by that. I don't think the government has any intention of having a set structure in place for the composition of family health teams that would include pharmacists. There's a framework for some of the composition of members, and the framework I saw didn't include pharmacists, but there certainly aren't any hard and fast rules about who's going to be on family health teams. I don't anticipate that we're ever going to see pharmacists on those.

I have some additional concerns that I want to raise. I want to go back to concerns that were raised by the member from Erie-Lincoln with respect to small pharmacies. I know that members of the government might want to dismiss the concerns that are being raised. I heard the parliamentary assistant say that there was a lot of consultation with all of the membership of the Ontario Pharmacists' Association with respect to this bill, and they were onside. Yet I am now starting to receive, and I assume you are too, faxes from small community-based, independent pharmacy owners. I'm not sure what kind of consultation you had with them, because there's certainly a difference between the pharmacists in those pharmacies and the pharmacy owners, but I certainly am starting to get letters from a number of small independents who say that this will be seriously jeopardize their ability to continue to operate.

The government may want to dismiss that, but I want to read into the record the concerns I have received, and I certainly hope that during the course of the public hearings we get representation from some of these small owners so we can clearly see during the course of the public hearings what in the bill is going to be of such detriment to them.

Let me read into the record some of the concerns I've received.

This is called "Fiscal Gap for Pharmacies"

"The government of Ontario is getting a good value for the dollar. The ODB program pays only half the professional fee charged to other patients and does not currently provide an adequate market. This fiscal gap has been filled by pharmacies negotiating better prices with their suppliers through the free market. Bill 102 will take away this funding and lower our markup from 10% to 8%.

"The 46% fee increase only brings the fee paid by government to 18% below 1996 levels.

"Indexed for inflation ... the new fee"—that would be the dispensing fee—"should" really "be \$8.21.

"Based on actual costs of dispensing before profit the new fee should be closer to \$12.

"Pharmacy markup has actually been reduced from 10% to 2.4% (after wholesaler upcharge of 5.6%)."

Those are some of the initial statistics.

This is from Medi Place Pharmacy, which is on Bloor Street here in Etobicoke, faxed to the Honourable Mr. Smitherman, which I received a copy of.

"We are small pharmacy owners in this province. We are writing to ask you to seriously reconsider your proposed Bill 102.... We take exception to your suggestion that pharmacies and pharmacists are profit makers and are somehow cheating the government by receiving rebates from generic manufacturers. We take exception to your suggestion that you have considered the interests of pharmacies and the services we (particularly small community pharmacists) provide to our patients.

"Many of us went into the community pharmacy because we are convinced that the best health care is offered in such a setting. We are health professionals first



and foremost. We look after our patients on an individual basis. Unfortunately, the reality of pharmacy is that it is still a business. We are forced to look after our bottom line and ensure that our staff and ourselves are compensated fairly for the services we provide....

"Unfortunately, the health minister does not seem to understand the reality of survival for small pharmacists in Ontario.

"For years, pharmacies and particularly community pharmacies who are unable to compete with the larger players have been subsidizing Ontario's health care system. We have done everything to stay in business, from waiving the \$2 co-payment fee to lowering our prices. Now, by taking away the rebate offered to us by generic manufacturers, the province is essentially telling us that community pharmacies are not important to them. We have been subsidizing Ontario's drug system for years, but it is simply impossible to—overnight—have our operating profits and the value of our business cut by half or more. If this legislation passes, many of us will lose a significant portion of our income overnight....

"Finally, the minister's suggestion that the rebates are somehow 'back door' is untrue. In any business practice, deals and discounts are legitimate. Particularly in the Ontario pharmacy environment, where it is difficult to meet the bottom line as it is, small pharmacy owners welcome any help they can get. In addition, we remind the minister and his ministry that it is not the government of Ontario that is the biggest customer of generic manufacturers—it is the" small "pharmacies. We are the ones that are forced to pay our invoices at the end of the day. We are the ones that assume the responsibility of bankruptcy and commitment to our employees if we can't meet our bottom line. Perhaps the health minister and his ministry should understand the problems and challenges of small pharmacy owners before they make changes that purportedly take our 'interests' into account....

"(Bill 102) as it stands, will result with most independent pharmacies not being able to meet" their bottom lines, "forcing them to close. The final result will be a pharmacy industry being operated by large chains. What the government will then be faced with will be a pharmacy industry that is a monopoly. We ask that the minister reconsider his proposed Bill 102 and challenge him to devise a more fair plan for small pharmacy owners."

I read that into the record because as I read through it, I thought there were some concerns that we do need to take into account. I hope that small pharmacy operators will come to the public hearings, because I have to think these are legitimate. I think there's a big difference between small, community, family-based pharmacies and the big chains. I think we need to recognize that there's a big financial difference, a big difference in their ability to operate, and we need to be taking that into account. The bill as proposed, at least as described by pharmacy owners, is going to make that impossible for them to do.

I also want to read into the record the concerns the OMA raised last week with respect to this bill. I'm just quoting from their bulletin:

"The OMA will monitor the government's plans for changes in its rules for interchangeability. At present, the Ontario rules for generic substitution are very tight, and it appears that the government intends to loosen them.

"The OMA will be seeking to ensure that physicians can rely upon the fact that dispensing pharmacists will not substitute the medication they ordered for a product that is deemed 'similar.'"

That went out as a bulletin to all OMA members on April 21, 2006.

1700

There are a couple of other concerns I want to raise in the time that I have. I'm particularly concerned that there is no definition of "public interest" in the bill, even though the executive officer for drugs is going to need to use public interest in making determinations about designating drug products. If you go to section 19 of the bill, "Decisions about listing, delisting," it says, "In deciding whether or not to designate a drug product as a listed drug product or to remove such a designation, the executive officer may consider anything he or she considers advisable in the public interest." The same language appears in section 20 under "Delisting." The problem is, there is no definition of "public interest" anywhere in the bill.

So what is the public interest, what are the criteria, what are the conditions that the executive officer deems to be in the public interest when he or she makes decisions about listing drugs or delisting drugs? I don't understand why there wouldn't even be a definition for "public interest" somewhere in this bill when the executive officer is going to be making significant decisions about listing and delisting, supposedly based on these criteria. That has to change.

I'm also very concerned about the enormous number of regulations or regulation-making powers that appear in the bill. Essentially, you have a framework with some details of some areas that the government wants to move in and the rest is left to regulation, and we are supposed to hope and trust and pray that the system is going to unfold as it should. From my perspective, with any legislation, this one included, as much of the detail of what you want to do should be in the legislation, not in the regulations.

I just want to give you some examples of all those areas of regulation that the government will deal with, without public scrutiny, without the public eye, details that, frankly, should be covered in the bill. They include, in regulations: (1) the definition of what is not a rebate; (2) the drug benefit price for the purpose of the section pertaining to rebates, as including the price submitted by the manufacturer under the regulations; (3) definitions for words and expressions in the Drug Interchangeability and Dispensing Fee Act; (4) designation of products as interchangeable with one or more other products between royal assent of the bill and October 1, 2006; (5) in subsection 5(4), it is the cabinet that has the power to make a regulation that can be applied retroactively so that its provisions may be effective from a date before the



date the regulation is filed; (6) the Lieutenant Governor in Council can make regulations to (a) clarify, modify, restrict functions and powers of the executive officer or (b) provide for additional functions and powers of the executive officer.

In regulations: the conditions pertaining to the acquisition cost of the listed drug product.

In regulations: the creation of alternative payment mechanisms for pharmacy operators for certain classes of eligible persons such as long-term-care facility operators.

In regulations: conditions on the acquisition cost of a listed drug product for an operator of a pharmacy or, in section 16, the drug benefit price for the supply of a drug which the executive officer has agreed to be supplied as a special case.

Subsection 27(1): defining any word or expression used in the Ontario Drug Benefit Act that has not been defined in the act will now be done by regulation. The definition of any word in the act will now be defined in regulation instead of in the definitions section of both this bill and the drug interchangeability act.

Under section 27(1), clause (o.a.1), defining "professional services for the purposes of clause 1.1(2)(j)": governing payments that may be made for professional services and conditions to which the executive officer is subject in making payments for professional services.

Again, under regulation: conditions pertaining to acquisition cost of a drug product—the list goes on and on.

If you mean what you say, put the stuff in the bill. It would be much better that way. Far too much is left to chance with all the regulations that appear here.

**The Acting Speaker:** Questions and comments?

**Mr. Peterson:** I'm very pleased to reply to the member. She brings up some very interesting points that need clarification. There are too many points that she has brought up to respond to in two minutes, but over the course of the debate today and on Thursday, we will attempt to clarify. I do welcome her to send me the letters she has received from pharmacists, because certainly the intent in the consultations is not to impact upon pharmacists, whom we are putting as front-line health care workers in this bill. We are going to give them dispensing fees, we're actually going to increase their fixed fee, and we're hoping that this will all be neutral, if not positive. The alarmist nature of her comments, I think, is overstating the case.

I'm also fascinated by her approach to the executive officer, because the intent here is not to avoid accountability. I can just imagine the member standing up and saying, "Well, the CEO didn't do something properly," and letting us off the hook because he reports to the deputy minister and to the minister. I think the member would be very vociferous and very vocal in saying, "Why are you not making sure that the government has direct oversight?"

Frankly, we're appointing this person who will be an expert in this, much more of an expert and much more familiar with the drug distribution system than the

cabinet. So there's actually no desire here to avoid accountability, but actually to put accountability with experts who are used to managing the system, not with cabinet.

Thank you for your comments. I take it all under advisement, and I look forward to getting back to you with more of the information on the questions you have asked.

**Ms. Lisa MacLeod (Nepean–Carleton):** It's my pleasure to address this Bill 102 today. There's no question that the Conservative Party believes that Ontarians need to be sure that they can get the right health care at the right time. This bill, however, we believe introduces a significant degree of uncertainty with respect to the research and development sector of our economy, as well as small, independent pharmacies. This puts some 30,000 high-paying jobs at risk in Ontario.

As one of the pharmacists in my community, the Nepean Medical Pharmacy, run by Danny Souaid, tells me, he's got concerns that this legislation can seriously harm retail pharmacies, especially independent pharmacies in Ontario. He tells me that he doesn't believe the present government understands how important independent pharmacies are to the economy, especially to Ontario's health. He spoke to the Ontario Pharmacists' Association to let them know that pharmacy owners have not seen a reasonable dispensing fee increase in over a decade. He told me that there has been a decrease of the markup from 10% to 8% on his products, and he's certainly hoping that we're making it clear to the ministry, through this Legislature today, that many drugs can't be purchased directly from the manufacturer. He told me today that Quebec only allows for a standard of 30-day supply on drugs. All studies have shown this would decrease wastage and misuse. If the government is seriously considering cost-saving measures, then my constituent believes that this should now be the standard in Ontario as well.

He has other concerns. He believes that Bill 102 can hurt pharmacies tremendously. He tells me that he will have to lay off employees at the end of the summer. Collectively, throughout the province, he believes many jobs will be lost and wages lowered to the point where the profession will no longer be attractive to anyone considering a career in pharmaceuticals. I would hope that these issues could be addressed through this Legislature by the other side.

**Mr. Gilles Bisson (Timmins–James Bay):** I want to thank my colleague the member from Nickel Belt for giving what was a very detailed analysis of the bill. I look forward to being able to participate in this debate, because she raised a number of issues that we really need to think about in this Legislature. I think one of the first ones is what this means at the end of the day for the patient, because we know that not all medicines or drugs act in the same way in different patients. For example, if a patient is in need of a particular medication for a certain type of disease, sometimes having the same drug for all of the patients, even though it might be generic or non-generic, may not work as well. One of the things that I



worry about is, because now you're going to have this drug czar, will this legislation put doctors in a position where they're going to be restricted somewhat beyond what they are now in being able to prescribe through the system medication that would be most suited to the person's condition? We know that has certainly been an issue that has been raised in the past and something that I know is a real problem at times. I would certainly not want to see the government go further down that road, and that's one of the issues she raised.

1710

The other one is—and it's a bit of a bother that I have, because it's a little bit of what they did with the LHINs, the local health integration networks. It's a little bit like trying to find a way to distance the government from bad news. If you say that the local health integration network—in this case, the drug czar—makes all the decisions about dispensing medicine, who can get what, what is on the formulary and all that stuff, if a bad decision is made, the Premier stands in the House and says, "Oh, it wasn't me. It was the drug czar." It's almost as if this government is trying to find ways to isolate itself, to buffer itself from what, at the end of the day, are unpopular decisions. I'd just say to my good friend the member from Nickel Belt that I wouldn't mind hearing her comments on that, because I think, at the end of the day, the government should be accountable.

Mr. Speaker, I'm going to get an opportunity to speak to this more fully, and I'll raise the other items that I want to raise when I get a chance to debate. I just thought I'd let you know.

**Mr. Ramal:** I'm glad to reply to the member from Nickel Belt. I was listening to her for almost an hour talking about many different issues, many different elements, and raising her concern about many sections of the bill. I give her full credit because I believe she read the bill in detail, but I hope she'll understand the intent of what the bill is to achieve: to protect the consumer, to protect the patient and make it accessible for many patients across the province of Ontario.

I want to just talk about when the member was talking about saving money. The money is going to be reinvested in listing more drugs and also in making the drugs accessible to many patients across the province of Ontario. So it cannot be stated in the bill right away, but the intent of the bill is to reinvest in listing more drugs and having them more accessible.

She talked about schedule 8. Schedule 8 is important. As you know, there are so many difficulties for patients across the province of Ontario to reach and use a schedule 8 at the present time. That's why the intent of the bill is to replace schedule 8 with a safety valve, to give a last resort to some patients to receive medication. I think that's very important.

You also talked about cancer patients in the province of Ontario. I was listening to you when you raised your concern about cancer patients. I think this bill will make it more accessible to cancer patients because they are most in need of drugs right away. They cannot wait for a longer time.

You talked about many different issues, basically; I cannot include them all in two minutes. But in the end, I strongly believe it's about time for the province of Ontario, for the Ministry of Health, to come up with a strategy to be followed, and hopefully other provinces will follow our standards.

**The Acting Speaker:** That concludes the time for questions and comments. I'll return to the member for Nickel Belt.

**Ms. Martel:** I want to thank all members for the comments that they made. Let me respond to some of them.

To the parliamentary assistant, the information I read into the record on the fiscal gap for pharmacies—I'd be happy to send a copy of both of these—was sent by the following four persons, and I apologize at the outset if I say their names wrong, and I'm sure I might: Mr. Falsal Khawaja from Hawthorne Pharmacy; Anil Janmohamed, Harbourfront Medicine Cabinet; Nayan Patel, Stouffville Pharmasave; and Zahid Somani, The Village Pharmacy. The longer letter that I read into the record, the longer fax, came to me from John Furtado of the Medi Place Pharmacy. I will be happy to get photocopies for the member so that he can see the concerns that I read into the record, but those are the individuals who have signed the letters that I read into the record.

Secondly, on the concern with the executive officer, I haven't heard the government tell me why it is that they already have a director of the drug program branch, and you are now replacing that current director of the drug program branch with a new executive officer of drug programs. What's wrong with the current individual? What's wrong with the current position? What is it that has made you decide that instead of having these responsibilities dealt with by a ministry bureaucrat, you now want to move away from that process and have someone who is put in there by order in council, who is not elected, who is not a ministry bureaucrat, whose accountability to the public gets further and further removed because their employment is dependent on an order in council from the government. I am waiting for an answer from the government as to why the current position of director of the drug program branch is not a good enough one for you to keep in place and implement some of the changes you have described, even the ones I might not agree with, which I've also outlined.

I also want to talk about the money to be reinstated in the drug program. If that's what you're going to do, put that right in the legislation so that it's clear that's where the money is going to go.

**The Acting Speaker:** Further debate on Bill 102?

**Mr. Kevin Daniel Flynn (Oakville):** It's a pleasure to join the debate today on Bill 102. It's always interesting to hear a variety of viewpoints by those in opposition and in the third party on any proposed legislation brought forward by members of the governing side.

I think it's important that at least somebody, and I'll be that person, outline what the recommendations really mean for the number of stakeholders involved in this



legislation. What I'd like to do is go through what some of the changes mean for those stakeholders and then return, perhaps toward the end of my comments, and talk specifically about what it will mean for pharmacy in Ontario, because a lot of comments have been made today and a lot of letters read into the record. I think it's important we look at this from all sides.

What the recommendations proposed in Bill 102 would mean for the average Ontarian is that certainly there would be no change in any co-pay, no change in deductibles, and no change in the eligibility criteria for the issuance of prescription drugs. The bill also proposes to include patients, involve the patients themselves in the priority-setting and decision-making process regarding the funding of drugs in the province. I think that's an important point to make. Citizens will also be involved in the social and ethical views that are discussed in the province around issues of drug policy, which is an issue we need to come to grips with in order to ensure that we have a sustainable health system in Ontario.

As a result of the changes that are being proposed in Bill 102, what we hope to accomplish, and what I certainly believe will be accomplished, is that we'll get faster drug funding decisions. I know that's important to communities in southern Ontario that I'm aware of, and there may be some in the north. Southern Ontario has a very dynamic and vital drug production industry—manufacturers, research and development—and it's important that they get their products to market as safely and as quickly as possible. What's foreseen in this is that faster drug funding decisions will be made. What that means is that the patients awaiting a decision on those drugs will be able to access those drugs in a more timely manner, which can't help but be advantageous to their health.

We've all dealt with what are called section 8s in the past. Section 8 is a cumbersome exercise currently in place by which a person can apply, under exceptional circumstances, for the right to use a certain drug that is not covered under normal terms of reference. In the proposed legislation, section 8 would be replaced with something that's called "exceptional access." It's a new method of drug approval. It's a faster process and it requires very minimal paperwork. More drugs would be funded through a conditional listing process proposed in the legislation. Through clear and concise communication as to the rationale and the decisions concerning funding drugs, Ontario citizens themselves can then be able to monitor the status of the drugs that are currently under review. It's a much more transparent process.

Pharmacists would be trained and compensated for providing patient counselling, and would integrate into the primary care models that are starting to become established throughout the province of Ontario.

What we're hoping to accomplish through the passage of this bill is that we will attain best practice prescribing guidelines. What that means is that it will ensure Ontarians will begin to get the right drugs for the right person at the right time, which is something that I think all parties in the House would aspire to.

1720

I don't think you can talk about a health care system these days in a modern society without talking about the economics behind it. What we're trying to do in this bill is to use the purchasing power that's contained in over \$3.5 billion worth of purchasing that's expended in the province of Ontario on an annual basis. We're attempting to use that in a businesslike fashion, like any business would, I think, in the province of Ontario. What our taxpayers expect us to do is to use their money wisely and with some level of private sector discipline in the expenditure of those funds. What we're striving to do is to achieve value for money for all Ontarians in all aspects of the drug system here in the province.

So what we believe this will do and what I believe it will do is provide clear roles. The responsibilities are clear in this legislation; the accountability is clear; the reporting requirements are clear for all providers throughout the drug system.

What could it mean for other stakeholders in the province? For employers, we already know—I come from the town of Oakville; it's my riding. We've got the Ford plant in my riding. One of the major reasons that auto manufacturers are locating in the province of Ontario as employers is our health care system. It's a competitive advantage over other jurisdictions that may be competing for the same type of assembly plants and head offices that we've managed to secure in the town of Oakville. So we know that a sustainable and functioning drug care system will help keep those drug costs manageable for employers in the province.

Pharmacy: For those who are involved in pharmaceuticals, for those who are involved as a profession in the prescribing of grubs—drugs; I'm not sure anybody wants to have grubs prescribed, but you never know—it better reflects the actual cost of dispensing and the distribution markup that's entailed. It protects pharmacy from price increases. It pays pharmacists for professional services that they're currently providing and may not be compensated for. It's going to eliminate the rebate system that pharmacists have to deal with now. It gives pharmacy a formal voice. And it implements what's called off-formulary interchangeability.

There are two levels of pharmaceutical manufacturers in the province of Ontario and in our country and North America. There are those that are the brand manufacturers and those that are the generic manufacturers. For the generic manufacturers, what the bill proposes to do is give the potential for actually increasing revenue due to interchangeability. It eliminates the rebates. It implements a flat 50 rule that will be neutral, but it will allow for price increases under very specific circumstances.

For the brand manufacturers, the executive officer position will facilitate much faster listing decisions after the expenditures have been made by employers in the province of Ontario involved in research and development in bringing a drug to market. What they're looking for is as short but as safe a time frame as possible. This will facilitate a much faster listing. Partnership agree-



ments are envisioned. Conditional listing significantly improves drug access for Ontarians, and of course that would improve the manufacturers' revenue. We've got a \$5-million innovation fund that's included for brand manufacturers. We've got a rapid review of what are considered to be breakthrough drugs, those drugs that could do an awful lot of good in a very short period of time if they're able to achieve that approval. As with the generic manufacturers, it also allows for price increases under very specific circumstances.

We're always trying to encourage more doctors either to stay in the province or to locate in the province, and one thing we can do is to make their job as easy as possible and let them spend as much time with patients as they can. This bill proposes far less paperwork. What that allows the doctors to do is to spend more time in their offices dealing directly with the patients, not with the bureaucracy and not with paperwork. It certainly does bring into play best-practice prescribing guidelines.

I think to date the government should be very proud of the process that it has employed to bring us to this point in the debate. It's been one of the most open processes that I've seen. Over 250 experts have been consulted; two jurisdictions have been visited—the United Kingdom and the United States; we've had over 105 meetings with over 350 people over a six-week period; we've received over 92 written submissions, almost 100 written submissions, and that adds up to easily over 1,000 pages; we've had consumer round tables, patient round tables and public opinion focus groups in five centres around the province of Ontario.

But specifically dealing with pharmacists, I think this government has demonstrated that we have a respect for the front-line workers in our health care system. We've managed to secure a long-term agreement with our doctors. With the hiring of new nurses, there's more respect for the nursing profession. We've entered into a different type of arrangement and agreement that involves a lot more respect than perhaps we've shown to that profession in the past. We know, if we talk to individuals, that pharmacists are some of the people who are most trusted and respected by people in Ontario who need to avail themselves of our health care system. What the research shows to date is that there are some very, very positive impacts of this legislation: positive impacts of increased revenue from a raised dispensing fee; a new fee code for professional services that pharmacists are providing; and a price correction as well.

In summary, I believe Bill 102 is innovative. It represents a most significant and overdue change to the drug system in Ontario, and I think all parties would agree that that change is needed, is long overdue. The bill will not only provide the right drugs for the right people at the right time, but it really recognizes, in my opinion, the valuable role and services that our well-trained front-line health care professionals deliver each and every day to millions of Ontarians.

In particular I'd like to speak to the impact of this bill on pharmacists in the province. For too long, pharmacists

have been stereotyped as simple dispensers of medication, people who just take a slip of paper and hand some medicine back. That's far from the reality of the day for pharmacists in Ontario. Pharmacists are the front-line defence for patients in Ontario each and every day. When you think about the level of interaction, the primary role they play, especially in smaller communities throughout the province of Ontario, it's really nothing short of amazing. We've heard that, on average, pharmacists interact with approximately 150 patients each and every day. That's 1.6 million visits by Ontarians with their pharmacists on any given day in the province.

For the first time in this province, with Ontario leading the way across the country, pharmacists will be recognized for the services they deliver beyond dispensing and acknowledged as a key and a primary partner in delivering primary health care in the province. We've already met with many pharmacy stakeholders and have asked for their recommendations for which stakeholder groups should be on the pharmacy council.

I believe that the consultation on this bill has been thorough. I look forward to further debate on it. I believe the government is clearly on the right track. These changes are overdue. It's a responsible bill and it's necessary to keep our health care in a sustainable manner.

#### **The Acting Speaker: Questions and comments?**

**Mr. Norm Miller (Parry Sound—Muskoka):** It's my pleasure to add some comments on Bill 102 and the speech made by the member from Oakville this afternoon. I don't think any of us would argue that the cost of drugs to the province of Ontario is something that needs to be addressed. The amount spent on drugs is some \$3.4 billion, and I know it's been increasing at amounts like 15% a year. So it is a huge part of the cost of the health system.

However, I do certainly have some questions to do with the way the government is going about making these changes. In particular, as was noted by the member from Nepean—Carleton and the member from Nickel Belt, I'm very concerned about small pharmacies and the effect this bill would have on them. There are changes being made to the amount of money that would be paid for the dispensing of drugs, some very minor increases in costs, and the worry is that the small pharmacies in rural and northern Ontario will not be sustainable, will be put out of business, and we'll end up with just large chain stores dispensing drugs. That's certainly a real concern, and we've had some specific letters read into the record from pharmacies.

I also have concerns to do with other sections of the bill. Section 19 restricts the manufacturers to the sale prices listed on the formulary. This only applies to the Ontario Drug Benefit Act, so the manufacturers could end up recouping their lost revenues forced by this bill by increasing the cost of drugs sold for those not covered by the Ontario Drug Benefit Act.

There are many changes. We'll certainly want to see very substantial committee time for this bill.



1730

**Ms. Martel:** I listened with interest to the comments made by the member from Oakville. I just want to make this comment: There's a lot of government spin about how this is going to be so much better for patients, how there are going to be faster funding approvals for drugs, how the current section 8 process, which is so cumbersome, is going to be replaced by something that's so much faster, with less paperwork etc. Look, folks, I took the opportunity to read the legislation, and there's a big gap between the government's spin in the background documents and what is actually in the legislation with respect to how the government intends to achieve these things.

With respect to faster drug funding decisions, I can tell you that nowhere in the bill is there any mechanism listed, any framework, any idea anywhere, of how the government is going to do that. It does not appear in the bill. There is not a single provision to outline what that means, who's going to be responsible and what the process is for rapid approval of drugs, especially breakthrough drugs.

I think those matters should be in the legislation. If you have come out and said, "This is going to be done," you must have some idea of how you intend to do it. Then put it in the legislation so that the mechanism that is going to be used through the bill to achieve that outcome can be clear to the public.

Secondly, the government members talk about how cumbersome the section 8 process is—and it is; we all know that—and say that it's going to be replaced by a new process that has minimal paperwork, that will outline the rationale for negative decisions, that will be transparent. I've got to tell you, there's nothing in the bill that outlines what the process is that's going to replace the current section 8 application; nothing. Section 16 is very vague with respect to the executive director will have some responsibility, but it doesn't say how negative decisions are going to be communicated. It doesn't say who's going to be in charge in terms of all the applications coming in. It doesn't say anything about what's going to be so much better to replace this.

I don't want to buy a pig in a poke. I want you to put what those changes are going to be into the legislation.

**Mr. Peterson:** I wish to address the concept of what we're attempting to do here in terms of the total management of the health care package. We spend approximately \$33 billion a year on our health care system. The drug portion is about \$3 billion. Any savings here are very important.

The member from Nickel Belt mentioned the savings we anticipate in the system. We anticipate a better management of drug distribution. That is going to mainly be an elimination of rebates to the larger pharmacies. We don't anticipate that affecting the smaller pharmacies dramatically. Also, hopefully, by avoiding double dispensing fees, we can have some savings there.

There's better management of the formulary listings. Under our current drug laws in Canada, there's patent

protection for 20 years. The drug companies say it is really effectively 12 years because it takes them about eight years to bring drugs to the point where they can be sold, but it is a 20-year program; a net effect of eight years. After that, we can get into the generics, which can be very effective in cost savings. It's interesting to notice that the auto workers have said, in their drug benefit plan in the United States, "generics first."

As the largest purchaser of drugs in Canada, \$3 billion a year for our Ontario drug benefit program, we should be getting the benefit of this large-volume buy.

**Ms. MacLeod:** The minister claims that patients will not notice the changes to the system. Having said that, however, Danny Souaid, from the Nepean Medical Pharmacy in my constituency, has severe concerns about staying in business. I think patients will notice this. I think they'll notice throughout northern and rural Ontario—and the riding I represent is rural—that when the sole health care provider in their community, the pharmacist, isn't able to see them because the government drove the pharmacy out of business, it doesn't necessarily help the health care system.

This is not just in my riding of Nepean—Carleton. Danielle Edgar, a pharmacist with Lambton Pharmacy in Petrolia, according to the Sarnia Observer, basically says, "The average person getting a prescription filled isn't likely to notice much of a change." In the same article in the Sarnia Observer, there's also a dilemma that Darren Nesbit is talking about. He's from Sarnia, and he has been fighting the province to approve an expensive drug treatment for a rare genetic disorder. Darren is telling his newspaper that he feels more loyal to the drug company than to his own government. He thinks that's sad, because he's concerned that if there's a lower profit margin on these drugs, it will force companies and manufacturers to stop providing this life-saving treatment, and they're going to leave the province. Cut off his drug treatments and he could die, he's saying. This is not inflammatory language. This is exactly what this patient is saying.

I think these issues have to be addressed in this legislation. I encourage the honourable members on the opposite side to look at these concerns that Ontarians, patients, small independent pharmacists are offering by way of newspapers and by way of members on the opposite side of the chamber.

**The Acting Speaker:** That concludes the time for questions and comments. The member for Oakville has two minutes to respond.

**Mr. Flynn:** I thank the members from Parry Sound—Muskoka, Mississauga South, Nickel Belt and Nepean—Carleton for their contributions to the debate.

If the proposed bill is passed, this will be the first time in the province, and with Ontario leading the way in this regard, across the country, that pharmacists will finally be recognized for the service they deliver, beyond just dispensing, and acknowledged as a key partner in delivering primary care. I know it's perhaps the job of the members opposite to paint a gloom-and-doom scenario



for all the pharmacists, that the sky is falling perhaps, but I don't think it is. I don't think you need to portray the change as having a potentially negative financial impact on smaller communities or the pharmacies in those communities in the province.

I want to reiterate the statements that were made by the Minister of Health here in the Legislature just last Thursday. He said, "I recognize that there are issues about the sustainability, about the economics of pharmacy"—and, as such, we're going to work in partnership with the Ontario Pharmacists' Association—"to make sure that we have robust, vibrant pharmacy in this province." At the end of the day, "We have a particular obligation to ensure that the economics of pharmacy remain vital, so that the vital service they can provide will be very well cared for."

I don't think you get much clearer than that. The commitment is key to the success of the bill and changes that improve the role of pharmacists and care as a result of that for patients in Ontario. There's no hidden agenda that I can see. I don't see that this government is out to get anybody. We're simply trying to fix a problem that has lingered for many years and now must be fixed for the long term. As I see it, we're the only government in a very long time that has taken any real, positive action on this issue. So, I say, good for you.

All members should be supporting this bill.

**The Acting Speaker:** Further debate? I'm pleased to recognize the Deputy Leader of the Opposition, the member for Kitchener–Waterloo.

**Mrs. Elizabeth Witmer (Kitchener–Waterloo):** I'm certainly pleased to join the debate on Bill 102, which was introduced on April 13 of this year, entitled the Transparent Drug System for Patients Act, 2006. As members in this House know, this bill has three components. Part I deals with sweeping amendments to the Drug Interchangeability and Dispensing Fee Act, part II contemplates amendments to the Ontario Drug Benefit Act and, of course, part III deals with the commencement.

Let me begin by saying very clearly that our party has very serious concerns about this bill and the impact of this bill. We believe it will have very significant and, in many instances, negative implications for patients, for pharmacists, for pharmacy, for pharmaceutical companies and the economy as a whole. This bill is proposing a very fundamental, monumental and massive overhaul of the current drug benefit system, which obviously is vital to the millions of Ontarians it serves. As such, we were pleased to hear, in response to a question I asked the minister, that there would be, we hope, real consultation on this bill. There is a need for very broad consultation, because until now the consultation that has taken place has only been in the form of advice to the minister. No one has had the opportunity to actually respond to the recommendations that are contained within this bill. That is not consultation.

1740

We are also very concerned that Bill 102 appears to put cost containment at the centre of the drug benefit

system instead of focusing on improved access for patients and improved patient outcomes. We're also concerned that this very complex piece of legislation, with its vast amount of reform, leaves far too much to chance; in other words, regulation that will not see the light of day or have the opportunity for any public input. These are decisions that are made only by the government.

Also, although this government maintains that this is a very balanced reform package, I would say to you that in the last few days our office has been inundated with letters, with phone calls, with e-mails. In fact, as I've been sitting here in the House during the debate today, I continue to receive more letters, faxes and e-mails of concern from people in the province of Ontario. You see, they didn't have an opportunity to see the bill, to see the recommendations. They're now starting to analyze the content, and as a result, some of the initial optimism is turning to skepticism. As they become familiar, so does the level of concern.

We are also now receiving many, many questions from individuals and from groups about the impact of this legislation, which have been generated as a result of their analysis and their concern. There was a lot of spin, a lot of government rhetoric when the announcement was made; however, they now recognize that a lot of what was talked about is nowhere in this bill.

In my presentation, I am going to raise some of the questions and concerns we have heard to date. I will tell you that despite the government talk about transparency and accountability, there is certainly growing concern that the government agenda is anything but transparent. As a result, we are seeing requests for clarification and requests for explanations, because there has not, as I said before, been any consultation on the actual recommendations contained within the bill. No group or individual was ever consulted on the totality of the package as articulated in Bill 102. They were simply asked to give advice to the minister, which they did, and now they see the results of what has transpired in the minister's office.

I want to put on the record some general concerns about the bill, and then I'm going to go through the bill chronologically and highlight some of the concerns. I would say to you that the appointment of Helen Stevenson in June 2005 is one that people have always questioned—the fact that she was appointed. She is now leading the Drug System Secretariat. She was asked to conduct a review of Ontario's drug system. The whole process there has been cloaked in secrecy. We know there was already a very competent director of the drug program in place, but it appears that the government was in need of a political appointment. So again, from the beginning, there has been some concern about that particular appointment and the way the entire review has been conducted.

Let me say at the outset that our party recognizes the need for greater efficiencies in the system. Every year, the price of drugs is escalating, in the neighbourhood of 15%. We can't sustain that; we know that. We agree there is a need for reform. However, we're concerned that the reforms that have been presented to us in Bill



102, as we analyze the bill and as we receive the analysis from legal firms and others, are only going to result in Ontarians once more paying more for health care, as they already are in the form of the health tax, which now raises about \$2.5 billion and at the same time delisted physiotherapy, eye exams and chiropractic services. Not only are they going to be paying more, but we are concerned, as we look at the bill and hear from the stakeholders, that people actually are going to have less choice when it comes to drugs, less access, and that it's not going to improve outcomes. I just want to put that on the record.

Again, we hear from people that despite the government spin, despite the government rhetoric, they see this bill as being all about cost containment, as opposed to being, as the title of the bill suggests, a transparent drug system for patients. If the bill is really about cost containment, then the government should have been honest and should have said so.

The other concern we are hearing is that the government has really created some unrealistic expectations for patients with respect to faster and better access to innovative pharmaceutical therapies, compared to the resources allocated and the lack of transitory details in how this will be achieved. This is disappointing. I will tell you, huge expectations have been created that people are suddenly going to have speedy access to all of these new drugs, all of these breakthrough drugs that are going to be added to the formulary. However, nowhere in this legislation—nowhere have we heard any details as to how this is going to be achieved. So again, the skepticism in the public continues to grow.

I will tell you that there has been tremendous concern about the government giving unfettered and unprecedented power and authority to an OIC appointee, the new executive officer, to do what he or she wants. I would ask the government to provide to us in the opposition an example of any other person within the health bureaucracy who has unfettered and unprecedented power and authority and so much discretion to make decisions that are going to have a huge impact on people in the province of Ontario. I know the government likes to compare this position to the OHIP director, but I think anybody who is familiar with that position would know and acknowledge that there is absolutely no similarity between the OHIP director and this new executive director. So we're going to have an unaccountable, unelected, politically appointed executive officer who is going to have a \$3.5-billion drug system to control, with absolute power to do so.

I guess the question would be, how does this power, so unprecedented, so without discretion, serve the goal of accountability and transparency to the public? How is this going to foster confidence in the drug system on the part of Ontarians?

1750

The minister likes to say that people aren't going to see any change as a result of this bill. However, there are some questions that arise from that particular statement, and some of the questions are: Will the drug manufact-

urers be allowed to increase prices for people with private insurance plans or people with no insurance coverage in order to recoup the losses that are legislated by this bill? If that's the case, people are going to see changes. Will off-formulary interchangeability result in cloak-and-dagger prescription switches at the checkout counter? If so, people will notice the changes. What requirement is there that patients be notified that their prescriptions are being changed? Are patients who require higher-priced drugs going to be forced to pay out of pocket for the difference? What of the pharmacies that are going to see reductions in revenues, to the extent that they possibly could be driven out of business?

Despite what the minister has said, despite the spin, despite the rhetoric, I can tell you that some of the implications of this legislation are going to result in patients noticing some real, significant and detrimental changes to the system.

First of all, we have heard huge concerns from pharmacies, particularly pharmacies in northern and rural Ontario. They are so concerned about the reductions in revenues that are anticipated and that could well drive them out of business. These communities depend on this sole health care provider. This policy that you are putting in place has the potential to drive that individual and that pharmacy out of business. This may happen because of the changes to the dispensing fees to \$7. That's not going to accurately reflect the true cost of dispensing drugs, which we know is much closer to \$10. So the government must consider the devastating consequences of this policy, this Bill 102, the impact it's going to have in the revenue figures to the independent small operators in rural and northern Ontario.

This bill, I would suggest, and we have heard, also introduces a significant degree of uncertainty with respect to the research and development sector of our economy. Some of the changes have the potential to reduce high-paying jobs in this province. It puts those jobs at risk, because this bill does target drug manufacturers and takes a look at their ability to generate revenue. We are hearing that drug companies that are unlikely to see a return on their investments are unlikely to invest new money in the province of Ontario.

In fact, some of the changes that are being suggested by Bill 102 are fundamentally irreconcilable with the Premier's claim to be the research and innovation Premier. It was bad enough that his own research and innovation ministry suffered a 7% cut in the most recent provincial budget, but then we had something else happen. When the Premier was in Chicago at the BIO 2006 conference attempting to lure research dollars to Ontario, the Minister of Health back home was closing the door to that research and innovation with the introduction of this bill, which is anticipated to cost jobs.

This is happening at a time in the province of Ontario when businesses are already seeing the increased costs of doing business in Ontario as a result of increases to energy, the electricity costs and, of course, higher taxes, one of them being the health tax.

Most people have recently filed their income tax for 2005, and they are commenting to me, as they go back through the pages, that here's this health tax, a tax that this Premier promised he would never introduce. He told people he wasn't going to raise their taxes. Well, he did, and as a result it's causing hardship, and it's part of what's happening that's encouraging people to pull up stakes in Ontario. Certainly in the case of some of the drug manufacturers, they well could pull up stakes if there is no real opportunity for research and innovation in Ontario, and they could go to the province of Quebec, or they could move elsewhere. So I think that's important.

I think it's also important that the minister is misrepresenting the estimates. He is saying that there's going to be \$67 million of anticipated savings. However, that fully depends on negotiations with the federal government, negotiations that have not yet even begun. So I would encourage this government to be more honest when they're talking about estimates. I think it's important to also recognize that the changes being considered will not be felt just in Ontario but have the potential to impact all provinces and all people throughout Canada.

These are just a few of the concerns that we have heard, and I'm going to move on and talk about some of the issues as they appear in the bill in chronological order.

First of all, the whole issue of interchangeability: This bill expands the range of drug products that may be designated as interchangeable to include products with the same or similar active ingredients in the same or similar dosage form. I can tell you, those words—"same" changed to "similar"—are causing a lot of concern.

They're causing concern now to patients, because you see, in the past drugs had to have the same active ingredients in the same dosage form to be interchangeable. So now we have a lot of confusion. We have a lot of concern. People are asking, "What is the definition of 'similar'?"

We are now hearing—and this is what's interesting—from patients and patient groups who are contacting us. They are wondering if the ability of physicians and patients to determine which drug is appropriate for their case is going to be taken away. While changing to a similar dosage form may not pose consequences for the patient, unfortunately, interchanging ingredients, whether it's an active or inactive ingredient, can mean a different molecule altogether, and this is becoming a great concern for patients. So this bill now is starting to create some anxiety.

The industry is also wondering what the definition of "similar" will be. Will the Health Canada standard of "similar" be adopted? Will interchangeable drugs contain identical amounts of identical ingredients in a comparable dosage form? If the government would give answers to these questions, patients would receive some reassurance and guarantee that they don't have at this point in time. Instead, people are left to wonder, and they are concerned.

**The Acting Speaker:** Thank you very much. It being 6 o'clock on the dot, this House stands adjourned until 6:45 p.m.

*The House adjourned at 1759.*

*Evening meeting reported in volume B.*



# LEGISLATIVE ASSEMBLY OF ONTARIO ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.



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# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Tuesday 25 April 2006

Mardi 25 avril 2006

Speaker  
Honourable Michael A. Brown

Président  
L'honorable Michael A. Brown

Clerk  
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# LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 25 April 2006

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 25 avril 2006

*The House met at 1845.*

## ORDERS OF THE DAY

### BUDGET MEASURES ACT, 2006

#### LOI DE 2006

#### SUR LES MESURES BUDGÉTAIRES

Resuming the debate adjourned on April 18, 2006, on the motion for second reading of Bill 81, An Act to implement 2006 Budget measures and to enact, amend or repeal various Acts / Projet de loi 81, Loi mettant en oeuvre certaines mesures énoncées dans le Budget de 2006 et édictant, modifiant ou abrogeant diverses lois.

**The Acting Speaker (Mr. Ted Arnott):** When we last debated Bill 81, the member for Perth–Middlesex had the floor. I recognize the member for Perth–Middlesex once again.

**Mr. John Wilkinson (Perth–Middlesex):** Thank you, Mr. Speaker. For those who are tuning in, we are talking about Bill 81, which is our budget bill.

It's interesting. In the debate that we are continuing, I know that one of our newest members, the member for Nepean–Carleton, was speaking to this debate. She gave her maiden speech, and I want to congratulate her for giving that maiden speech, and then subsequently she had a chance to respond to some of the comments that were made. I distinctly remember her commenting about the fact that she was a mother, and that's wonderful, that she has a baby, and that also is wonderful, and that she was the member in this House who had a child who was under five.

I think that's wonderful, but I caution the new member for Nepean–Carleton that it is important not always to rely upon those great researchers they have over at the PC caucus service bureau, because not all the time are they completely accurate. Although I am sure it is rare in her caucus to be a young mom, and I applaud that, on our relatively, I would say, more fertile side of the House, we have many young children. So for one member here to presume to speak for all parents in regard to the daycare issue, something on which we have a fundamental difference of opinion with the official opposition, who seem to take what I would say is perhaps the new Prime Minister's opinion that it isn't important to fund it and that it would be all right to rip up an agreement with our government on that, we have a different opinion, and we

are informed by the people in our caucus who have young children.

Just as a point of history, and I think for the interest of the people in Ontario, I see my good friend the member for Etobicoke North, who has two children. His daughter is four, turning five shortly, and his son is almost seven. So there's one.

Our member from Brampton West–Mississauga, Mr. Dhillon, has three children, all under five. One of them actually was born just before the last election, where he was successful, and then subsequently they've had yet another child, for a total of three.

My friend behind me, the member for Stoney Creek, was with child while she was campaigning, and she was able to deliver a beautiful little girl, Aylish, right before the election.

But we weren't done. No. We have been contributing to the economy of Ontario with young people. I know that my friend the member for Mississauga East and his wife, Christina, had twins, Sebastien and Alexander.

*Applause.*

**Mr. Wilkinson:** Yes, wonderful.

I know that my minister—I'm the parliamentary assistant to the Minister of the Environment—who is the member from Etobicoke Centre, did something quite historic. She, as a cabinet minister, also had twins, young Zachary and Ryan.

I want to say to my good friend the member from Kitchener Centre—they also were able to have, since we got elected, just recently—

**Mr. Bob Delaney (Mississauga West):** He was married after he was elected.

**Mr. Wilkinson:** Yes, that's right. I say to my friend from Mississauga West, I believe he got engaged, asked his wife on the campaign trail, and they have subsequently married. Now they have a little boy, John Patrick, which I think is a fine name, actually.

So I have a grand total here, just since we formed the government, of some nine new little Liberals under the age of five in the province of Ontario, courtesy of the McGuinty government. I say with respect to the member for Nepean–Carleton that I don't think you should be lecturing us about the reality of parents today with pre-school children. What we believe, and I know what our Minister of Finance is fighting for, as well as our Premier, and our Minister of Children and Youth Services, is that the federal government should not rip up the agreement that we had with the previous government providing high-quality daycare for young parents who need it. I under-



stand that the Prime Minister is very clear about his five priorities, but I would say that when one has a \$13-billion surplus—and it's just a conservative estimate that the federal government is sitting on some \$13 billion in oil revenues—I would think that perhaps he could make his campaign commitment of \$100 to all parents who have children seven years or under and still not rip up the agreement signed in good faith between the federal government and the provincial government. I think those things are important.

**1850**

In regard to the budget, which is what we're speaking about this evening, it's an interesting time, I think, for those of us on this side of the House. And to my friends who are on the opposite side of the House but are with us, not only in spirit but as part of the great McGuinty government, I say to them, it's a fascinating time to be here.

Yesterday I had the opportunity to go to Stratford General Hospital, and at that wonderful hospital, part of an alliance—with Seaforth and Clinton, which are in the riding of my colleague the member from Huron—Bruce and also St. Marys Memorial and Stratford General Hospital. They have been working very hard to reach an accountability agreement, the new accountability agreements that we have instituted so that there can be a mature relationship between the provincial government that provides the funds and the hospitals and those wonderful health care workers who provide the care that we need in hospitals on, as we agree, some of the best days and, again, some of the worst days of our lives. We count on those people.

**Mr. Jeff Leal (Peterborough):** Is that the one John Tory was trying to malign?

**Mr. Wilkinson:** Exactly. I heard the Leader of the Opposition go on about—and I said quite clearly that I think he is sometimes a factual cherry picker. I say that without any hesitation because I think it's important to tell the truth, the whole truth and nothing but the truth in this House.

**Mr. Leal:** Maybe it was the same researcher.

**Mr. Wilkinson:** Well, it could be one of those researchers, absolutely. I say to the member from Peterborough, there seems to be a lack of acuity over there in regard to getting the whole story. Of course, we have the media here, who are busy squirreling away, trying to get the whole story, trying to be balanced, but perhaps PC caucus research's approach isn't as balanced as we would like. Fortunately, we live in a democracy and we can all come here and perhaps square up the record.

At this wonderful hospital, part of a unique and effective alliance, the accountability agreement has been signed. In my home community and in the other three rural communities that are affected, it was discovered through this process that those hospitals are extremely efficient, that they know how to cut their costs, but there is no way, given the current formula, that they could provide all of the clinical services required for the amount of money proposed by the government. Under

accountability, both sides signed—both the hospitals, who are accountable for how the money is spent, and the province, our government, as to the amount of money they received. I was very happy to join my friend the member from Huron—Bruce to announce that there had been an increase of some \$5.1 million into the operating budgets across that four-hospital alliance.

Do you know how that happens? It doesn't happen if you're running around telling people, "I can cut taxes, and it won't hurt a bit." Where have we heard that? We were elected, and this budget reflects, I think quite passionately and accurately, what we were elected to do, which is to be honest with people about what the costs are, to show them what they are, to spend that money wisely and to get results. We cannot constantly underfund health care and expect to have better results.

I think what we've learned is that you can't get elected dogcatcher in this province by running around saying that you believe in two-tier medicine. That is not a viable political proposition because the vast majority of people would not want us to tinker with something that makes us Canadian. But I think there is a way to do that, and I think the Supreme Court in the recent Chaoulli decision showed us how to do that. If you're a government that says, "Do you know what? I'm going to cut taxes. I'm going to get rid of that health care premium. I'm going to cut some \$2 billion out—"

**Interjection:** It's \$2.4 billion.

**Mr. Wilkinson:** It'll be \$2.4 billion if they ever have the chance to implement this, and we're working very hard to make sure that doesn't happen. You could set up the preconditions so that the waiting lists are so long that people would go to court in this great country and say to the Supreme Court, "My God, the government is not willing to fund this adequately. It's so bad it's putting my own life at risk." The Supreme Court will come along and say, "Oh, well, you have a constitutional right to save your life," and therefore open up the door to privatization. Therefore, a party would be able to achieve its political end of having two-tier medicine without actually having their fingerprints on it. All they would have to do is run around and tell people that they can cut taxes and it won't hurt a bit. But if the result of that is people dying in hospitals because of waiting times, what we need to do is focus our efforts to try to get those waiting times down.

I'm happy that in the hospital in Stratford—I said just the other day—the time required for knee surgery is down 102 days. That takes a government that's willing to take money and put it into health care. That's what is required. To have hospitals with balanced budgets means we have to have a new realistic arrangement, based on the facts, with our health care providers. That's important.

I think many of us on this side of the House believe that we have to spend the money on health care. I also say to the member from Nepean—Carleton, who is new to this place, who came in and talked about integrity and accountability, and isn't Stephen Harper a wonderful person? He's bringing in all of this accountability and that we should take some lesson from them.



We took a lesson on our side of the House. We took our lesson from Ernie Eves. We took our lesson from the Magna budget. That's where we took our lesson, that if you turned around and walked away from hundreds of years of parliamentary tradition, and instead of having the people's budget in the people's place you did it at a car manufacturing factory, you would end up in a condition where the opposition would not be able to have that document here in this House, in front of estimates, where it's supposed to be.

I always wondered, why did they do that? Why would the Conservative Party, a party founded on the conservation of traditions, throw away hundreds of years? I think it's plainly obvious now. The numbers didn't add up, and the last thing they needed to do was to have that document in this Legislature where a vigorous opposition would be able to challenge that.

I know that this budget has been presented in this place where it belongs. As long as we form the government, the budget will be here in the Legislature.

It's also important that when we first formed the government, instead of listening to those who are somewhat more narrow-minded and somewhat more Machiavellian, who counselled the government not to bring in the transparency act and said, "No, we need to leave and reserve to us the same option to do unto others what has been done to us," and that we should somehow not be accountable to the people, we said, "No, we will fix election dates." It will be October 4, 2007, my daughter's 19th birthday. We're looking forward to it.

As well, six months before that, our newly empowered Auditor General—not the Provincial Auditor. We've given him more powers. The newly empowered Auditor General will write a report on the state of the books of the province of Ontario. All three political parties had best make sure their campaign commitments are based on one set of common facts that have been independently assessed, not by some economist hired by a political party, no, but by the Auditor General.

I say to the member for Nepean–Carleton, accountability and transparency are something we were elected to do because of what was going on by the previous government. What goes around comes around. The power that has now been given at the federal level is mimicked by what we have here in the province. I think all of us in this House would agree that the standards we have here and the officers of the Legislature here are a model that could be used at the federal level.

I give credit to our former colleague Mr. Baird, who is the chair of the Treasury Board in Ottawa. I think he's taken his experience from this place where we have an Integrity Commissioner who's an officer of this Legislature, who's independent from the Legislature, who's eminently qualified, a retired justice, someone who's independent—not the government of the day's friend but actually someone who's completely independent—who has been able, I think for all of the members here, to provide us with wonderful, wise counsel about ensuring

that we are always trustworthy to the people who elected us, to the province and particularly to this institution.

**1900**

In conclusion, I just want to say that we on this side of the House look forward to this debate. Moreover, we look forward to passing this bill, because we have people in our ridings—not just our ridings, but ridings across the province, all 103 of them—who are demanding and expect better health care. That requires money. They want better services in their publicly funded schools. They don't want money going to private schools; they want public money being used to fund public schools. They want us to do whatever we can to help grow this economy, because social justice comes from economic growth, not the other way around. It is important for us, as stewards of the economy, to grow that economy so that we can have greater social justice, not less. I know that my friends in the third party struggled with the whole issue of how difficult it is when an economy is in decline and your expenses are going up as you try to be just. We must try as best we can to avoid that. That's why, from those lessons, which I think have been quite publicly acknowledged by former Premier Bob Rae over the last few days, those formerly with another party and now with the Liberal Party—

*Interjections.*

**Mr. Wilkinson:** I think it's interesting: There are few mea culpas that I have seen in this place—

**Ms. Shelley Martel (Nickel Belt):** Where's the book?

**Mr. Wilkinson:** I say to my friend from Nickel Belt that I'm sure we can get you an autographed copy of that book.

We are looking forward to seeing this budget passed. I think the people are waiting for it. It's time to debate and then get on with it.

**The Acting Speaker:** Questions and comments?

**Mr. Norm Miller (Parry Sound–Muskoka):** It's my pleasure to respond to the speech by the member from Perth–Middlesex. I see him smiling over there. I'm having a tough time, having listened to it, not smirking as well. He did spend an awful lot of time talking about children. I'm not quite sure what that has to do with Bill 81, the budget bill we are talking about tonight. I would like to point out, though, just for the record, that I have four children.

*Interjection.*

**Mr. Miller:** No, they're not that young, but I have four children, just so it's on the record.

We're talking about a budget bill, Bill 81, An Act to implement 2006 Budget measures and to enact, amend or repeal various Acts. Let me remind those out there watching that the budget that was brought in by this government was another deficit budget, another Liberal deficit budget. Despite the fact that we had an extra \$3 billion in revenue that they didn't plan on a year ago, we still had a deficit budget. This is what Liberals do. The member from Mississauga South, whose father was Premier in the past Liberal government, did the same thing—the same thing.



**Mr. Tim Peterson (Mississauga South):** Brother.

**Mr. Miller:** Sorry. Correction: The member from Mississauga South's brother was Premier. What did he do? He did the same. Tax-and-spend Liberals: They just can't hang on to the money; they have to spend it. You're proving the fact. Liberals just don't know how to hang on to money. So here we have a deficit, despite the fact that you have \$3 billion of extra revenue.

Now, we are talking about Bill 81, so I would also like to point out, in the 20 seconds I have left, that hidden in this bill is switching the term of office for municipal councillors from three to four years. I would like to raise the concern I have heard from some municipal councillors that that may be a negative in terms of getting some of the older councillors in smaller municipalities and rural areas to stand for office.

**Ms. Andrea Horwath (Hamilton East):** I too want to make some comments on the remarks by the member from Perth-Middlesex. I have to say that I found it quite interesting that the member talked about how certain governments were perhaps obscuring their intentions. I think he was particularly talking about tax cuts which led to problems in the health system, which then led to privatization.

Interestingly enough, not only did most of these problems occur under successive federal Liberal governments in terms of underfunding of health care, but that aside, this government decided to do the very same thing, except enshrine it through legislation. In fact, the debate this afternoon on Bill 102 spoke about the government's intention to remove themselves from responsibility for certain activities, to try to distance themselves from the decisions they are making, and they've done that through the drug legislation that was debated today. We've also seen them do the same thing in the LHINs legislation, where they are removing themselves by establishing these other organizations to undertake the activities they used to be directly accountable for. So I find it passing strange that the member can get up and talk about the motives of other governments, notwithstanding the fact that the health dollars he is talking about were cut by his own Liberal Party; federal Liberals, mind you, but nonetheless still Liberals who were in control of those budgets for a very long time in Canada.

Notwithstanding all of that, the member wanted to talk about some issues around children. What I would like to know is where this provincial Liberal government's commitment to child care is, when they are not spending, they are not investing, they are not establishing a provincial leadership role in the child care system for Ontario. They promised \$300 million during their election campaign, and here we are: This is their last full budget, Bill 81, the implementation of their last full budget as the government, and they still have not invested a dime of the \$300 million they promised for child care in Ontario. Shame on them.

**Hon. Jim Watson (Minister of Health Promotion):** I'm not going to spend too much time on the issue of child care, except to say that we're very proud of our

track record on child care. The NDP, quite frankly, should be ashamed of themselves for their role in bringing down the previous federal government, which brought forward a sensible national child care program.

On budget 2006, I am proud to support this budget for a number of reasons. First of all, as a former municipal politician in the city of Ottawa, I experienced the constant downloading by the previous government that occurred. This government has not downloaded one single dollar or responsibility to the municipal sector; in fact, we are uploading: I was pleased to announce \$5.3 million for the city of Ottawa for land ambulances; 65% of public health care costs are being uploaded, and it's going up to 75%; in my city, well over \$30 million in gas tax, which is an investment in public transit, in OC Transpo.

Also, our government and our Premier said on the weekend that we are committed to fixing the mess of the property assessment system that the previous government brought in. There were eight separate bills, and we all remember the chaos that created. It was not a transparent system; it was not a fair system. The system has these huge spikes that force people out of their homes. We have to do something about the property assessment system and end some of the chaos and confusion.

I am proud to support the budget because of what it does for the local economy and the local communities. It does not surprise municipal governments or municipal councillors or mayors like previous governments did. It is a sensible blueprint that, quite frankly, respects municipal government.

I support the four-year terms. If it is good enough for provincial and federal politicians, it should be good enough for the municipal sector and treats them with the greatest respect.

**Mr. Joseph N. Tascona (Barrie-Simcoe-Bradford):** I am very pleased to respond to the comments of the member from Perth-Middlesex about Bill 81. I was very pleased that he finally decided to get into Bill 81 after about half of his speech. What is family? Family is important. I think he knows how many children every one of the members of the Liberal caucus has, and that is really commendable. Quite frankly, as the father of four children, I can tell you that the issue he is talking about has both sides, and everybody is going to debate that issue.

We need to talk about the importance of this Budget Measures Act. I am going to be speaking on this bill in a few moments—I want to get into it in greater length—but I want to speak about the fiscal record of this government. We're talking about the budget. The fiscal record of this government is very clear. They have had three consecutive deficit budgets. They have increased the provincial debt in excess of \$11 billion. Right now, \$9 billion of the budget, which is in excess of \$80 billion, basically goes to interest payments, and they have done nothing to address the fiscal situation of this province.

They also brought in the health tax, which most people in this province do not like. They feel it is something that should not have had to be brought in. Ian Urquhart of the



Star indicated that they did not have to bring in that tax. But I don't see cancelling the health tax anywhere at all in Bill 81. It is something that is regressive, hurts families and hurts people on the lower-income margins of our society. There is nothing in the bill to deal with the health tax.

1910

**The Acting Speaker:** That concludes the time available for questions and comments. I return to the member for Perth-Middlesex. He has two minutes.

**Mr. Wilkinson:** I want to thank the members from Parry Sound-Muskoka, Hamilton East, Ottawa West-Nepean and Barrie-Simcoe-Bradford for their responses.

We had a chap, a former Premier by the name of Bob Rae, who has gotten up publicly and said, "Do you know what? Mea culpa. When my economy was going down beyond my control, what I decided to do was just borrow, borrow, borrow. I got halfway through my term and realized that I was wrong." He was replaced by a government that said, "Do you know what we're going to do? We're going to have tax cuts by borrowing money.

As I said in the debate, I had Roger Martin appear before our standing committee that was doing our pre-budget consultations. The dean of the Rotman School of Business has confirmed for us that the mistake that was made by the previous government—not the previous, previous government, but the previous government—was that they funded tax cuts with borrowed money; not tax expenditures, but tax cuts. As the Minister of Finance said, the only surplus we have is a surplus of deficits: a fiscal deficit, an energy deficit, a social justice deficit and an infrastructure deficit. In each and every budget we present, we are dealing with those issues.

We have been able to bring down the fiscal deficit we inherited by some 75%, and we have ensured that no future government, including ours, can go to the people with a cooked set of books. They will be independently verified, and all parties will have to deal with that reality politically. They will not be able to cherry-pick the financial numbers they're going to use.

We've dealt in great measure with the infrastructure deficit we had around education, health care and, in this last budget, infrastructure, I say to the members opposite who say that we should have balanced two years early that they are therefore opposed and will vote against the expenditure of all the money for the roads, bridges and public transit that are vital to our economy and vital to the environment.

**The Acting Speaker:** Further debate?

**Mr. Tascona:** I'm very pleased to join the debate on Bill 81. I just want to comment on the remarks made by the last speaker on the investment of the Liberal government in public transportation. What a joke. Today, when you're driving down the highway—I come in from Barrie—the highway is completely blocked all the way from Barrie; the highway is completely blocked on 401 east. You just did a fabulous job. That's every day. You've done nothing to relieve gridlock. There have been no investments whatsoever to deal with that.

Something you could have done with respect to dealing with public transportation was expand GO Transit to the city of Barrie, something that would have been positive for the environment and positive for the congestion on Highway 400, to relieve the congestion in that area. But no, they haven't done anything on that particular file since they became the government. The GO Transit people want to come up to the city of Barrie, but the Liberal government is not moving on that file to make sure we get GO Transit. Why? That's just part of their failure, a massive failure, with respect to how they're dealing with public transportation and highways in this province. It's just not acceptable to say we are investing in public transportation when the highways are a mess, we've got gridlock and nothing has been done after three years.

I want to comment again on the fiscal record of this government—I'm being generous in terms of calling it a fiscal record. The fact of the matter is, they have three consecutive massive deficits in the billions of dollars. They could have balanced the books in this particular budget, but they chose not to; they chose to spend all the money. Quite frankly, they proved that the health tax, which has been levied on every family and person of this province, in the thousands of dollars per family, wasn't necessary. And yet we have this.

I go back to 1989, when the Treasurer of the day was Bob Nixon, who said, "I am getting rid of the OHIP tax. It's not a fair tax. We're getting rid of it." That was the Liberal government of 1989. Here we have Dalton McGuinty, who comes in in the year 2003 and says, "I'm not going to raise your taxes," gets elected on that particular promise and, sure enough, the biggest income tax increase—because that's where it is, this health tax, on your income tax; that's where they take it off—and what have we got for it? Nobody knows what we got for it because the waiting lists are just as long as they've always been.

We have a problem at the RVH. I just want to comment that on the side there is my good friend the member for Parry Sound-Muskoka, and we played in a hockey game against NHL stars on Friday night. The hospital launched its public campaign. They've raised over \$20 million towards the RVH expansion. That expansion is very much needed—also because it includes radiation therapy for cancer, but it's needed and it's needed now. I am very confident they are going to have the money raised that they need for this particular project in this fiscal year, and it's not acceptable that they have to wait and the people of Simcoe county and Parry Sound-Muskoka have to wait until 2008 before that expansion can even begin to be constructed, when the fundraising has been successful and the money is there in place. That hospital had many code greys in this particular fiscal year, and it's just not acceptable in terms of the treatment that the people in this area are getting with respect to their health care.

I also want to talk about schedule J of this particular bill. This bill has so many sections. It has 17 different



acts. It goes from schedule A to schedule O. It's dealing with all kinds of different things. This is a hodgepodge in terms of a budget measures bill. I think the reason they did it that way is so—it's kind of confusing; you can't catch your eye in terms of what's really going on. But one of them is schedule J, in which the Ontario Loan Act, 2006, is enacted. It authorizes the crown to borrow a maximum of \$4 billion. What are they borrowing \$4 billion for that they need in this particular part of the bill? They are already bankrupt in terms of how they have been handling the finances of this province, and now they're giving themselves carte blanche to borrow \$4 billion. It sounds to me like they're basically getting ready to dip out the honey before we get into the next election on October 4, 2007, when they will have destroyed the fiscal record of this province. By that time they will have destroyed the economy.

Every family out there today is suffering from high hydro bills, from consumer gas bills, from increased municipal taxes and from the gas prices that have been going up for automobiles. All those things are hitting people in the pocketbook, and this government believes that if they increase all these energy prices, make sure everybody is paying more than they ever have for municipal taxes, the economy is just going to keep on chugging along. Well, I've got news for this government: It's not going to happen that way. You cannot take billions and billions of dollars out of the economy and expect it to continue to grow. It's just not going to happen. That's why what they're doing is so irresponsible with respect to the opportunities they have to balance the books when they have the money. They're not going to have that opportunity. It's going to be just like what they did to Bob Rae. It was the Liberal government of David Peterson that set up the train wreck when Bob Rae came into government and made sure that there was no way he was ever going to be able to balance those books, no way he was going to be able to survive the recession that would hit in the early 1990s up to 1995.

#### *Interjection.*

**Mr. Tascona:** When I hear the members across the way, especially the member for Perth—Middlesex—it's obvious he's not supporting Bob Rae in the federal leadership race with the comments he makes about Bob Rae. But Bob Rae, whom I knew—I was in the House when Bob Rae was still here, not the members across the way. The Minister of Health Promotion likes to shoot off his mouth every time about certain issues. I can tell you right now that Bob Rae at least was a respected parliamentarian in this House. I don't think anyone across the way should be pointing fingers in terms of what his record was. Everybody knows what it is. Now that he's decided to go ahead as a Liberal—and I know the Minister of Health Promotion doesn't support him, but the bottom line is, he's out there running for the federal leadership, and why is he getting bashed across the way tonight? I just can't believe they're bashing Bob Rae when we're talking about Bill 81. It's unbelievable.

#### **1920**

Just to move back in terms of standards, they made this big thing about standards, about what they're doing in Ottawa. The reason they have standards in Ottawa is because the federal Liberal government at the time was stealing and robbing Canadians of all their money. Everybody knows what was going on in the Gomery report.

The bottom line is, they make comments about, "Oh, Ernie Eves did this," and all that. Well, Ernie Eves is about to be appointed by this government to be the chairman of the economic growth and research council for the Premier of Ontario. Ernie Eves is going to be appointed. They're making all these comments tonight about how Ernie Eves didn't have standards and whatever. Well, Ernie Eves has standards, and obviously the Premier recognizes that, even if his backbenchers across the way don't respect that. The fact of the matter is that Ernie Eves was the Premier of this province and he is now also going to be appointed chairperson of the economic growth and research council for this province. Obviously, that's a recognition, and I think he'll do a fantastic job in that position, and the citizens of Ontario are lucky that they have him. So I don't like to hear from across the way comments about Ernie Eves and his standards as a parliamentarian, because they have no right to do that, and they know that.

I want to get back to the bill. It's important that I talk about the bill and not some of the nonsense that was being spoken across the way about other measures, personalities and children and all that. I want to talk about the bill.

Here we have a bill that is a budget measures bill, and you've got to tell me—I haven't gotten an explanation from anyone. I respect the member for Perth—Middlesex. He's a very bright guy. But the bottom line is, what is schedule H doing in that bill? This is a budget measures bill. It says that it extends the term of office for a municipal politician and school board trustee from three years to four years. What's that doing in the bill?

I understand what they're trying to do. I would have thought that Minister Gerretsen would be the man to go ahead and push that forward and put it in one of his own bills. But they decided, "What do you want to do that for? Why do we want to follow normal procedure and do what the normal ministries do? Let's just throw everything in the damned bill and see what sticks." We've got a situation here, and I have to admit that I haven't heard a lot about it in my riding. I suppose, because I haven't heard anything, the municipal politicians are basically all in favour of getting their terms extended from three to four years. There may be some citizens out there who don't share that optimism and don't share the view that they should be going from three to four years, because it means that if they get stuck with a council they don't like, they're now stuck with them for four years, from three years. It's going to be even more painful to deal with a situation when you're dealing with municipal property taxes going up and a council that may not be



listening to you. That's a very strange place to have that. I don't know why they just don't take it out of the bill. I think it's worthy of a lot of discussion, because it's not just about the term; it's about other things in there that sort of require some clarification.

At schedule A—I'm just trying to find it in here. There are so many schedules in here, it's unbelievable. Here we are: schedule A. There's a provision in there—here we have it. In the background to this, it says that in a February 2006 speech to the Rural Ontario Municipal Association and the Ontario Good Roads Association, Premier McGuinty announced that his government is proposing a move to four-year terms for council members and school trustees, which could start with this fall's election. This measure was buried at page 147 of the budget papers and not highlighted in any of the budget speeches, budget news releases or backgrounders. The term of office for municipal councils and school boards has changed from three to four years. So it's not only municipalities, but it's also school boards going from three to four.

One thing that strikes me—and I have to get this clarified. I don't know whether any of the members across the way have even read this, but I want to read it because I think it might be instructive for them to maybe read the bill. Section 4 of schedule H says, "The number of years that a person who was convicted of a corrupt practice described in subsection 90(3) of the act is prohibited from voting is increased from four to five years after the voting day in the election in respect of which he or she was convicted."

I guess I've got to presume that means that person's right to vote in a municipal election is taken away for five years. I don't know why they're doing that. I think that requires some explanation because I don't—well, I guess the reason they're doing that is because they want to make sure that person perhaps doesn't run again and has no input on the council that person was on. I don't really know what the backing of that one is, but that's one of the other provisions that I find a little bit interesting, that it would be in a budget measures bill, because that's what we are dealing with here today. It's important that we keep a focus in terms of what they're trying to accomplish here in terms of the record of this particular government.

One other thing that happened today, and I was very proud to be there—as everybody knows, I am a very big supporter of Lake Simcoe. My colleague from Simcoe North and also my colleague from Parry Sound–Muskoka were at the reception for the Lake Simcoe act, which my friend from Simcoe North is promoting. He's going to be introducing this private member's bill for full debate on second reading on June 1.

Everybody knows that it is very important for us to maintain the integrity and the quality of all of our lake systems—but in particular because it affects my riding, Lake Simcoe, because of the growth that's been going on. We need to have managed growth to make sure that we do not impact our water supply, that we do not impact

the air we breathe, that we do not impact the water we drink, that we do not impact how our sewage system works because of the growth, because it has to be managed. I think that is one of the big balancing acts that has to go on.

That's one thing that the Liberal government was—and I think the member from Erie–Lincoln put that very correctly the other day, that the bill with respect to the greenbelt was based on political science, not actual science. I really don't know why they stopped the greenbelt at the boundaries of Newmarket and just before coming into my riding in Simcoe county and Parry Sound–Muskoka in terms of what they were trying to do. Not that I am an advocate of the greenbelt approach in terms of the way they stripped property rights from people and the way they went about it in terms of gerrymandering in terms of where they were going to put the greenbelt and whatever, but it's interesting that they decided they were going to leave one area open for what we call leapfrogging in terms of massive growth and whatever, especially around the sensitive areas of farmland, the sensitive areas of our water, the sensitive areas in terms of dealing with the air we breathe up in that particular part of the province. I just don't understand it in terms of that particular exercise. But that's something they decided to do.

I am a big supporter in terms of making sure that we maintain the quality of Lake Simcoe and not let it be impacted by growth that is not managed and not respectful of our environment and what we want to have as a quality of life in a particular area, as we have in Simcoe county and Parry Sound–Muskoka. I think it is important that we recognize that.

One thing I was a little bit surprised at in here—and it may be in here, and the Minister of Health Promotion could help me maybe—is in terms of the tobacco tax. I think there is something in there—yes, there we go. Schedule O: the Tobacco Tax Act. That minister is against smoking, and that's to his credit in terms of what that is, but that's a federal responsibility and he knows that, in terms of determining whether we can smoke. He also knows that it is a federal responsibility whether we can gamble in this province and do other things.

The tobacco enforcement amendments will be proposed to the Tobacco Tax Act to strengthen the Ontario tobacco-related enforcement activities, including enhancements to allow greater information-sharing among provincial, municipal and federal counterparts.

That's going to be interesting in terms of how we are going to do that, because everybody knows the history with respect to tobacco tax in this province, the problems we had back in the early 1990s with respect to smuggling and the crime that was occurring with respect to that particular product. It looks like we're going back to those days again in terms of having the high taxes across different jurisdictions and not a uniform policy. That's sort of the problem with respect to dealing with taxes on any particular commodity or in any particular jurisdiction, when other jurisdictions are not following suit



and they have lower taxes than you in particular areas that you're trying to deal with in terms of stamping out a particular problem. Certainly, that's something we're going to have to look at in terms of how they're going to go about these enforcement activities. I don't really know what they're going to be doing, but I certainly hope they're going to respect the rule of law. That's something we have to maintain in this province, the rule of law. I know that's something my good friend John Yakabuski, who has just joined me here, believes in, and in a strong way—a very strong way.

1930

I'm getting near the end of my address here. I know a lot of the members are a little disappointed, but I know they're going to be coming back at me; there's no doubt about it. The Minister of Health Promotion is looking for me. But I get the final say; he's got to remember that. I get the final say on the response here, and I'll be using it carefully.

Getting back to schedule E, in my riding there's a business being proposed with respect to ethanol. I notice that in schedule E it "removes a tax exemption for ethanol if there is a requirement under regulations made under the Environmental Protection Act that ethanol be added to gasoline." That's an interesting provision. I really don't know what it means, but I would have thought that they were trying to promote gasoline that is environmentally safe, gasoline that would be something that would create jobs in this province. This appears to be punitive in terms of removing a tax exemption. I'm very surprised that that is what's going to be happening here, because the Premier was on record about being the big ethanol man. Maybe he was smelling the ethanol when he made that statement, but I can tell you right now that this tax exemption being removed doesn't seem to make a lot of sense in terms of what they're trying to accomplish here. I think people have filled up and they've had ethanol as part of the gas they use. So I don't know why that would be something you would want to punish. I'm not really understanding that approach.

In conclusion, I think I've clearly set out my concerns with respect to my riding. I've clearly set out my concerns with respect to the fiscal record of this government and the concerns we have, as every family has in this province, with respect to economic growth.

**The Acting Speaker:** Questions and comments?

**Ms. Martel:** One point that the member from Barrie—Simcoe—Bradford made that I want to focus on in my remarks is the health tax. He said, and he was right, that one of the promises made by the Liberals during the election, when Premier McGuinty was smiling into the camera, was that there would be no taxes, that a Liberal government wouldn't increase taxes. And lo and behold, just after the government is elected, the first thing that happens is that the government puts in place a health tax that is the biggest single hit to consumers in the province ever. But what was also interesting was that Mr. McGuinty had made a promise about a health tax or a health premium long before the election. I want to take

people back to a press release put out by the Liberal Party on January 25, 2002. It says, "Ontario Liberal Leader Opposes Scheme Put Forward by Eves, Stockwell." This happened during the first Conservative leadership campaign. "Ontario Liberals oppose the return of OHIP premiums because they are a tax hike on working families, says leader Dalton McGuinty."

"Tory leadership candidates Ernie Eves and Chris Stockwell may want to raise taxes, by charging families an additional \$1,000 a year for health care. I do not," McGuinty said today.

"Families are already paying for health care with their taxes. Pay more for health care, pay twice for health care, but get less health care—that's the Tory plan. It's certainly not the Liberal plan."

*Interjections.*

**Ms. Martel:** Wait a minute. There's more:

"If Eves were Premier, you'd pay at least three times: with your taxes, with your premiums, and, if you have the cash, out of your pocket to get premium service," he said."

Along came the Liberals—a new health tax. Now we're paying three times: out of your general tax, out of the health tax, and because of the delisting of OHIP services, eye exams, people are paying out of their own pocket too. My, my, my, Speaker.

**Mr. Wilkinson:** I say with all respect to my friend from Barrie—Simcoe—Bradford, sir, I don't remember Lake Simcoe ever being referred to in the budget bill whatsoever. To come and say that somehow we weren't on topic I think is stretching it. What we were talking about is responding to those allegations made by the new member from Nepean—Carleton. What we talked about is the fact that this government has learned hard lessons from the two previous governments. First, you can't borrow your way to prosperity. I say that to the NDP. No greater eminent expert on that could be your former Premier, Bob Rae, who has said publicly now that you were wrong. That's the first thing we learned.

The second thing we learned is that a party faced with a deficit decided to cut taxes, and no more eminent person than Roger Martin from the Rotman School of Management has said publicly to our committee that it was a mistake for the previous government to be borrowing money to pay for tax cuts. What was the end of that? A \$5.6-billion deficit.

I think the member from Nickel Belt conveniently forgets the fact that there was a \$5.6-billion deficit. So her plan would have been, what? I know that in Stratford alone when we announced, for our health care alliance, \$5.1 million, my friends in CUPE and OPSEU tell me that saved 120 good-paying jobs in my riding. I won't be voting against this budget. I know there will be members opposite who will vote against this budget, but they'll have to explain to the members of CUPE and OPSEU how they feel that's a mistake. They'll have to explain to business in this community that they do not feel we need to grow an economy so that we can afford social justice. It doesn't go the other way. You can't borrow your way



to prosperity, and you sure can't tax-cut your way to prosperity. There has to be balance, and this budget is about balance.

**Mr. Miller:** It's my pleasure to comment on the speech from the member from Barrie-Simcoe-Bradford. We are talking about Bill 81, a budget bill, although he did bring up a hockey game in Barrie, so I think I need to refer to that momentarily, and that is that last Friday night I had the pleasure of playing on a line with Mike Gartner and many other ex-NHLers for a very worthwhile cause, which was a fundraiser for the Royal Victoria Hospital. I didn't have to wait around too much for Mike Gartner. In fact, I'm still recovering from the game, a little stiff. I see our goalie, Mr. Delaney, from the legislative team. He wasn't there on Friday night, but he's probably a little stiff after Sunday night. A very worthwhile game. Bob McIntyre, the weatherman from the A-Channel was certainly the fan favourite. Mr. Tascona participated, and a lot of money was raised for a very good cause, the Royal Victoria Hospital.

Now back to this budget bill, Bill 81. As I previously mentioned in my last opportunity to speak, I have heard concerns about the four-year term that is part of this bill. I'm not quite sure where it came from. The Premier went to the OGRA/ROMA conference, and I think he must have felt a need to do an announcement, and out of nowhere came this announcement of a four-year term.

I will say that I've heard from the smaller municipalities in Parry Sound-Muskoka the concern that the four-year term will deter some people from volunteering to take part and run in the next election. In fact, in South River on the weekend I was speaking to some councillors there and right now they have nobody who's willing to run. Hopefully somebody's going to come forward.

This budget we're talking about is another deficit budget. Over the course of this government, there will be \$10 billion in extra debt that the people of this province have to pay for, more moneyed interest and less money to programs. That's what this McGuinty government is bringing to the people of Ontario, another, the third, deficit budget we've seen by this government.

**Ms. Horwath:** It's my pleasure to make a few comments on the speech by the member from Barrie-Simcoe-Bradford. I found it interesting that his initial remarks centred around the members of the government, the Liberal members across the way, whom he felt were launching personal attacks on certain previous members of this Legislature. Interestingly enough, the member from Perth-Middlesex was lauding those very same people in his remarks to the member from Barrie-Simcoe-Bradford, so I'm just trying to figure out what kind of schizophrenic analysis might exist on the other side of the House, particularly in reference to people who used to run this province as Premier who are now part of their club; let's put it that way. I find that very interesting.

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The other thing that was raised that I thought was extremely important was the issue of the extent to which this bill, ostensibly a budget bill, also has these schedules

attached that basically cover off a bunch of off-the-cuff comments or promises that the Premier made to various constituencies, particularly municipalities. I find it interesting, because I guess maybe the Premier has finally figured out how to get some of those promises dealt with without having to deal with them in an up-front way by having legislation specific to them in this House. Instead, he buries them in the backs of these bills and they get passed as schedules to things like budget bills.

Nonetheless, I think it's really important to acknowledge that in this debate it seems to be tax cutters, no tax cutters, but it's important for the Liberals to acknowledge that in fact they also are tax cutters in this very budget we're debating and have decided on a corporate or a capital tax giveaway that's mostly going to be helping the banks and the insurance companies. Shame on them. We need the money for other programs.

**The Acting Speaker:** And for the last word, the member from Barrie-Simcoe-Bradford.

**Mr. Tascona:** I'm ready to give my response. When the Minister of Health Promotion learns the rules in here, he'll recognize that there are responses to questions and comments, and I'm just here.

The member Nepean-Carleton is here. I want to recognize her, because she is a very strong new member. I think she spoke fantastically the other night. The member for Perth-Middlesex spent about half his speech talking about her. That's really quite the tribute. I think she's got a lot to offer to this place.

I just want to comment on the comments from the members for Nickel Belt and Hamilton East. The point is very clear: The health tax that was brought in here—you talk about a lack of standards, you talk about a flip-flop, you talk about shoving it right to the people of this province and doing it in writing. It's unbelievable what they did with the health tax. It's a tax hike on working families, that's for sure. It's in the thousands of dollars. And yes, the chiropractic, physiotherapy, vision care—we're paying for it all now. We're paying more and we're getting less. But the fundamental problem we've got here is dealing with the cancelled health tax. We could have cancelled the health tax in the last budget, except they decided to funnel it into Liberal ridings and waste taxpayers' money instead of giving it to all the people of this province by cancelling that health tax.

This budget is very disappointing. It's not balanced, as the member from Perth-Middlesex said it is; it's not balanced at all. I say this thing should be defeated.

**The Acting Speaker:** Further debate?

**Ms. Martel:** It's a pleasure for me to participate tonight in the debate on Bill 81. I'm going to be talking about some of what is in the budget bill and some of the things that should have been in the budget bill, given the promises that the Liberals made before and during the election to a number of constituencies.

First, let me deal with schedule I, which refers to the Ontario infrastructure act. That schedule merges the Ontario Strategic Infrastructure Financing Authority and the Ontario Infrastructure Projects Corp. Both these bodies



are playing an intermediate project management role in the private hospital financing that's going on under the Liberals.

I thought it was important, as I talk about P3 hospitals, to mention that the budget says there will be 11 new P3 hospital RFPs released this year. And what do we know about P3 hospitals? Well, what in fact do we know about what Premier McGuinty said about private financing of hospitals before the last election and during the last election? It's always good to remind people who are watching and members of the House what that promise was.

Here, from the Ottawa Citizen on Wednesday, May 28, 2003, a story by Rod McIver, and the quotes are the Premier's: "What I take issue with is the mechanism. We believe in public ownership and public financing" of health care, says Dalton McGuinty, leader of the Liberal Party.

The article continues with some more quotes: "Mr. McGuinty warned recently that if the Liberals are elected in the provincial election now expected in the fall, they will stop private sector financing of hospitals, the so-called P3s, which the Conservative government is pushing as the way of the future.

"Mr. McGuinty believes that public-private sector partnerships in health care would ultimately cost the province more money than traditional arrangements...."

What did he say during the election? Right smack in the middle of the 2003 campaign, to the Ottawa Citizen on Wednesday, September 24, Mr. McGuinty said the following, according to Dave Rogers, who did the interview: "Ontario Liberal leader Dalton McGuinty has said the" Royal Ottawa Hospital "expansion will go ahead because Ottawa needs a new psychiatric hospital, but a Liberal government would cancel the deal with the private consortium because public-private partnerships are a waste of money."

Well, well, well. Here we are. Before the election and during the election, Mr. McGuinty was saying private financing of hospitals is a waste of money. I agree. And what happened after the election? Well, after the election, there was a conversion on the road to Damascus, and that's mild, because after the election all of Mr. McGuinty's opposition to private financing went way out the window, and here we are this year facing the prospect of taxpayers' money being used for 11 RFPs for privately financed hospitals.

Mr. McGuinty was right. These schemes do cost more money. They cost more money because government, not private sector consortiums, gets the best borrowing rate for these kinds of massive construction projects—governments get the best borrowing rate. These private financing schemes cost more because the private sector consortiums are in it to make some money, a 15% to 20% profit for their work on these projects, and that profit margin is factored into the overall cost of the project. So now we have this spectre in Ontario of hospitals that are essentially going to have to pay a mortgage to private sector financing companies because Mr. McGuinty broke

his election promise and is now proceeding with private financing of these projects. That is money that should go into patient care, into new health programs, into new health services. We shouldn't be wasting this money going into the pockets of the private sector consortium members. I agreed with Dalton McGuinty before the election and I say now that he was right then. These schemes do cost more money.

The shame of it is, the people in the province of Ontario are going to get stuck with this higher bill because this Premier broke his promise. The estimate for the Brampton hospital alone of the additional cost for that project because of private sector financing versus the traditional method of public financing is \$175 million because of a private financing scheme. That's 175 million bucks that would be better spent on hospital services and health care programs and hiring new staff, particularly nurses.

I am completely opposed to the private financing of hospitals, like Mr. McGuinty was before the election. It's a shame—a shame—that in this budget 11 new privately financed hospitals are going to proceed with RFPs, which is going to suck so much money out of patient care into the profits of the consortiums involved in the building. Mr. McGuinty should keep this important promise.

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Schedule D of this bill is the schedule that reduces the rate of capital tax payable for 2007-08 by 5%, accelerating the phase-out of the capital tax. Eventually, eliminating the capital tax will cost the province of Ontario \$1.2 billion, most of which will go to the banks and the insurance companies in the province of Ontario, which hardly need it. I am opposed to this government's acceleration of reducing the capital tax. I am opposed to the capital tax reduction, period, because that kind of money, that \$1.2 billion, should be going to support social programs in the province, not going to support the chartered banks and the insurance companies, which surely don't need it and which surely have made enough profits in this province.

When you combine the acceleration of the capital tax reduction, which will be a \$1.2-billion cost to the treasury when it's fully implemented, with the \$3-billion windfall that the McGuinty government experienced this year because of increased revenue and lower debt payment, one has to ask, why didn't the government in this most recent budget keep the election promises that they made to the families in the province of Ontario?

Let me let deal first with the promise made by this government to end the clawback of the national child benefit. Here is the Election 2003 questionnaire from the Campaign Against Child Poverty. The question is, "Will your party make it a priority to end the clawback of the national child benefit supplement from families on social assistance?" The response from the Liberals during the election: "We will end the clawback of the national child benefit supplement. The clawback is wrong and we will end it. The Harris-Eves government has reinforced the cycle of poverty, not broken it."



During the same time, July 31, 2003, on Mr. McGuinty's letterhead is a letter to June Callwood and Rabbi Arthur Bielfeld, of the Campaign Against Child Poverty. He says in his 2003 letter, "Second, my team and I oppose the Conservative government's practice of clawing back the national child benefit ... a practice we will end during our first mandate."

What has the Liberal government done? A pathetic response by the Liberal government, given this serious promise and commitment. All that this government has done is pass on the inflationary increase that's attached to the supplement, whether it be 2% or 3%. This government hasn't fully ended the clawback. If they did that, families in this province would receive an additional \$1,500 a month. Instead, by passing on only the inflationary increase that's attached to the benefit, families are getting perhaps \$50 more a month when they are entitled to \$1,500. I remind this government that this isn't your money; this is federal government money, designated to go to the poorest families across Canada to get them out of poverty. You steal it back, dollar by dollar, from these families, from those people who are on social assistance and ODSP, and that is a disgrace. It is a despicable practice. It was a despicable practice under the Tories and it's just as despicable under you. Allowing families to receive the inflationary increase doesn't at all change how shameful it is.

This government's pathetic excuse for continuing to do that is that the clawed-back money from the national child benefit is used to pay for early childhood development initiatives in many communities. You know what? That was the case when the Liberals made the promise they did. We knew that's what that money was being used for. There were reports published every year across communities showing what that money was being used for when it was clawed back. So it was no surprise to this government, when they formed the government, that that money being clawed back was being used for early childhood development initiatives in many communities.

You know what? Credit to my community: Just last week, the board of health in my community, the city of greater Sudbury, passed a motion calling on this government to fully end the clawback, even though they do get money from this initiative. The motion says very clearly, "End the clawback and fund those early development initiatives like you promised in the first place." You know what? It would cost this government \$220 million—that's it—to end this disgraceful practice and ensure that the money being clawed back continues to support those early childhood development initiatives. This government should do what the city of greater Sudbury board of health is encouraging it to do: End the clawback like you promised. You had a \$3-billion surplus in this budget, more than enough money to do it. It is an absolute disgrace that this clawback practice continues, first under the Conservatives and now under the Liberals, especially given the election promise the Liberals made.

Why didn't the McGuinty Liberal government keep its promise on child care? Before the election, this is what

the Liberals had to say about child care. Again, this is the election 2003 questionnaire from the Campaign Against Child Poverty. The question is, "How will your party increase access to high-quality, licensed child care?" The answer from the McGuinty Liberals: "The Harris-Eves government has not put a penny into licensed child care. We are proposing an infusion of \$300 million." You know what? Since the election, the McGuinty Liberals have not put a single penny into child care. The money that has gone into child care in the province of Ontario has all been federal funds, federal dollars. Where is the \$300 million that was promised by the McGuinty Liberals before the election?

My colleague Mr. Prue, for two years in a row, at the end of the public hearings on the pre-budget consultations, when the committee has been writing its reports—for two years in a row, our finance critic, Mr. Prue, has moved a motion calling on the government to live up to the promise it made on child care. Last year, the motion said very specifically to invest \$300 million in child care like you promised. This year, the motion said to invest at least \$150 million in child care, at least half of what you promised. You know what happened with the Liberal members on the committee? They voted down that motion. Last year for \$300 million, this year for \$150 million. It wasn't us who made the promise of 300 million new dollars, it was the McGuinty Liberals before the election—a very clear election promise that this government has yet to live up to.

What's even worse is that if you look at the estimates for the Ministry of Child and Family Services, the proposal for this fiscal year is a 22% cut in Ontario's child care budget. So not only have we not seen the promised \$300-million investment; this year this government is going to cut 22% of the child care budget. That's some commitment to working families. That's some way to keep your election promise.

You know what? This government has no credibility—no credibility at all—in pointing the finger at the federal government with respect to child care. Your promise was clear. You had the money in this budget to deliver on that promise. It's time for you to keep your promise to Ontario families and invest the \$300 million you promised, not cut the child care budget this year by 22%, which is what is proposed in the estimates for the Ministry of Children and Youth Services.

In the face of a \$3-billion windfall, why didn't the Liberal government live up to the promise it made to residents of long-term-care facilities? The promises were very clear. Here is the Ontario Liberal plan for change. Here's the first promise: "Invest in better nursing home care, providing an additional \$6,000 in care for every resident." Has the government lived up to that promise? Here's what Donna Rubin has to say. She's the executive director of the Ontario Association of Non-Profit Homes and Services for Seniors. Donna Rubin says the following: "Instead of the \$450 million promised, the provincial government has enhanced care to residents by only \$144 million. Instead of the \$6,000 per resident promised, care



funding per resident has been increased by less than \$2,000 a year thus far." This with the third budget of this government, well into its mandate.

What did Karen Sullivan say? She is the executive director of the Ontario Long-Term Care Association. On April 3, 2006, Ms. Sullivan said, "It is clear that both families and residents strongly disagree with any perception that government has addressed long-term-care service levels and that, for them, this is an issue of care, respect and dignity for those who built this province." This government is a third of the way to keeping its election promise for residents in long-term-care homes and their families. In this budget, with a \$3-billion windfall, why didn't the McGuinty Liberals keep the promise they made for \$6,000 of additional care per resident per year in Ontario long-term-care homes?

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But the Liberals made a second promise to residents too, in the same Ontario Liberal plan for change. The second promise was ensuring that residents "get more personal care, including a minimum 2.25 hours of daily nursing care." The Conservatives cancelled the minimum standard of care. It used to be 2.25 hours under the NDP. When the Conservatives got to government, they cancelled that. There is no minimum standard of care provided to residents in the province today that's set in regulation.

The negative effect of that was seen very clearly in a study done by the Ministry of Health in 2001, which looked at Ontario, other Canadian jurisdictions, European and US jurisdictions, and clearly showed that Ontario ranked dead last in terms of the number of care hours that it was providing to seniors in terms of nursing care, physiotherapy, care for those seniors who had dementia. That's what happens when you don't have a minimum standard of care.

I'm assuming that's why the Liberals promised in the last election that they would reinstate at least the minimum 2.25 hours of care that had been in place under our government. God knows, the frail and elderly going into long-term-care homes need even more care than that, but I'd be happy if this government would at least do what it promised. It hasn't done that. There is no minimum standard of care. There is no regulation to regulate the minimum standard of care, despite the very clear election promise that the government made in its election platform, and also in a questionnaire that was sent out by the Service Employees International Union, which asked all parties:

"Will your government establish a minimum number of care hours nursing home residents must receive on a daily basis?

"Yes. Ontario Liberals are committed to reinstating the standards of care for nursing homes that were removed by the Harris-Eves government—including minimum 2.25 hours of nursing care daily."

With a \$3-billion windfall, one would think that this Liberal government could have kept its promise to the frail and elderly residents of our long-term-care homes to

reinstate a minimum standard of care by regulation and to provide adequate funding to homes to hire the staff necessary to ensure that that care was delivered. We know that staff are doing the best they can, but more hands are needed, and this government had the money to make a difference.

Finally, as I wrap up, let me just talk about autism very briefly. Everybody knows the promises this government made to families with autistic children. Do you know what's interesting? I just got some more information from a freedom of information request about spending in the autism program. Did you know that in 2003-04, the total budget for the autism program was \$80 million? Did you know that \$36 million of that was underspent, that \$32 million of that was returned to the Consolidated Revenue Fund and that \$2.6 million was spent on other programs within the Ministry of Children and Youth Services? Did you know that under the Liberals, who claim to be so committed to children with autism, in 2004-05, \$89 million was the budget for autism: \$67 million was spent and \$21 million was instead diverted to other children's programs within the ministry. Under the Liberal government, the money that you have budgeted for autism has not been spent; it has been returned to the Consolidated Revenue Fund or spent on other services in the ministry, at a time when hundreds of autistic children are on a waiting list needing IBI service. How can this government do that for two years in a row when the needs are so great and when the promise you made to these families was so, so clear?

**Hon. Mr. Watson:** Every time I listen to the NDP, I think they're caught in some sort of time warp, because, quite frankly, the more I hear about the NDP in this Legislature and what they stand for, the more I realize and the public realizes how irrelevant they are, given the few number of seats that they have. I understand now why Bob Rae tore up his membership card and left that party running; I understand why Buzz Hargrove wasn't crying crocodile tears when he was kicked out of the party for daring to disagree with the leadership. I think it's disgraceful that the member is attacking the Royal Ottawa Hospital, which is going to be a publicly owned, publicly controlled hospital in my hometown.

Go and talk to George Langill, the former president, a great community builder; Paul Hindo, who was the chairman of the board; Jackie Holzman, one of my predecessors as mayor, who wrote a letter to the editor praising Premier McGuinty and this government for going forward.

The fact of the matter is that this hospital is needed in the community. For decades the patients in this hospital were treated in a substandard fashion, and we were able to strike a deal, working with partners to create a brand new hospital going up on Carling Avenue. We very much look forward to opening that hospital.

So to all of the employees, the patients, the supporters of the Royal Ottawa Hospital, I say that I apologize on behalf of the NDP for attacking this very worthwhile project and this very important investment in the city of



Ottawa. I'm proud to be part of a government that has seen investments in the Queensway Carleton Hospital, the Ottawa Hospital, CHEO, the Montfort Hospital, the Royal Ottawa Hospital. All of these fine facilities are finally getting their fair share, thanks to this government. And to have the NDP come around and attack this project on ideological grounds makes no sense at all.

**Mr. Robert W. Runciman (Leeds–Grenville):** Speaker, since this is a budget bill, it gives us, as you know, some latitude in terms of the commentary that we can offer during debate, and I want to spend a few minutes on Caledonia.

*Interjection.*

**Mr. Runciman:** I know the member opposite doesn't want to speak to this issue, but I think it's a prime example of the lack of leadership of the Liberal government with respect to the crisis that that community is facing. It has impacts right across the province with respect to the fact we saw the CN and Via line closed down for several days, which had an economic impact of millions and millions of dollars on the economy of this country. I understand that as of today there have been no charges laid, and we see the lack of leadership of the Premier with respect to not moving on this issue for well over a year when he had information as a government with respect to the potential for difficulties in this area.

This is an environment that was created to a significant degree by the people sitting on the other side of the House, with the tragedy at Ipperwash and the attacks that the members of the Liberal Party made on the government of the day with respect to that situation, accusing the members of the government of directing police.

*Interjection.*

**Mr. Runciman:** A totally false charge, which will be borne out by the findings of the inquiry.

But we should have an inquiry into this situation, I believe, at the end of the day. We don't know where this is going to end up, but it could be an extremely serious situation which could spread right across the province and right across the country because of the ineptitude of this government, its failure to act and its failure to give leadership in a very difficult situation.

We have a community that's worked well together for decades and is now facing serious divisions because of the failure of leadership of the Liberal government.

**The Acting Speaker:** It might be helpful for the—

*Interjections.*

**Mr. Runciman:** It's because of the false attacks and lies from you guys.

**The Acting Speaker:** I would ask the member for Leeds–Grenville to withdraw that most unparliamentary comment.

**Mr. Runciman:** I withdraw.

**The Acting Speaker:** Thank you.

There's one other thing I would like to clarify. Yes, it is a tradition of this House that there is considerable latitude on budget debates and, to some extent, latitude on budget bills, but questions and comments are expected

to relate in response to what the member who had the floor presented by way of a speech.

**Ms. Horwath:** I'm certainly going to stick to comments around the issues that were raised by the member from Nickel Belt. But I think it's interesting to note that the Minister of Health Promotion, or the minister of photo ops and awards actually, was quite critical of the member from Nickel Belt when complaining and remarking that somehow New Democrats had no credibility when, in fact, it seems to me it was the Liberals who came up empty in the last couple of by-elections that happened just recently, because of the emptiness that this government is showing in regard to its commitment to keep its promises. I think that is pretty much the content of what the member from Nickel Belt was raising. I can list them off, for those who happened to miss that excellent speech, but it's about going back on promises around private financing of hospitals.

Before the election, McGuinty was against it; after the election, they're in, every chance they get, for more private deals on hospitals and other infrastructure projects. It's about broken promises around the clawback. Before the election, commitments all the way down the line, "Yes, we're going to end the clawback," and shame on them; they still haven't done so. It's about backing away from commitments on not only funding child care to the tune of \$300 million, which they haven't yet done, but then going ahead this year and cutting the child care budget by 22%. That's what the member from Nickel Belt was raising. Also, commitments broken: Before the election, they were committed to funding long-term care at better levels and also creating a minimum standard of nursing care for residents; nothing has happened on that file either.

So it's not surprising that the minister is feeling a bit prickly. Shame on them for every single issue that the member from Nickel Belt raised.

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**Mr. Delaney:** It's always interesting to follow the member from Nickel Belt, not merely to provide a reality check but also to assure Ontario that in fact the sky is not falling.

My hospital in Mississauga is Credit Valley. When Credit Valley Hospital opened 21 years ago, we had 365 beds. Today, we still have 365 beds, but we're getting an expansion. Phase 2 starts next year. I had the privilege of announcing that expansion last summer.

The member from Nickel Belt calls this badly needed hospital expansion—and let me use her own words—a shame. We have 5,000 babies annually being born in a facility designed for 2,700. I knocked on doors three years ago and said we could do better. So next year our government will keep the commitment I made in 2003, and the construction cranes will go up. The project will be publicly funded, publicly accountable and publicly run. The project manager works on staff for Credit Valley. Whatever firms win competitive bids to build phase 2 will be suppliers, not owners, not partners, not



anything else. And that's where Mississauga's provincial taxes are going.

That's the direction our government is taking in communities like Mississauga. We're able to build the hospitals we need, because the average Ontario hospital is 40 years old. But the member from Nickel Belt thinks that's a shame.

We in Mississauga live in choking traffic, but that's going to get better when we have our new Lisgar GO train station open next year. That's how our government has served Mississauga, by addressing first Ontario's health care deficit in 2004, then Ontario's education deficit in 2005, then Ontario's infrastructure deficit this year, and next year, to address Ontario's fiscal deficit. Four deficits, four years: That's what responsible government is and that's what Ontario has got.

**The Acting Speaker:** The member for Nickel Belt has two minutes to reply.

**Ms. Martel:** The shame is that the Liberals would have said anything to get elected in 2003—and they did—when they had no intention of keeping any of the promises they made. The reason the Minister of Health Promotion was so prickly over this tonight is because all these broken promises by the Liberals speak to the credibility of this government. And this government has no credibility when it comes to the many, many broken promises that are its legacy, especially promises to families.

Let's go back to the promise that Mr. McGuinty made to the people in Ottawa: "Ontario Liberal leader Dalton McGuinty has said the ROH expansion will go ahead because Ottawa needs a new psychiatric hospital, but a Liberal government would cancel the deal with the private consortium because public-private partnerships are a waste of money." That's what your leader said in your community. That was the promise made. He should be publicly financing the expansion, like he promised, because that way, needed dollars for health care aren't going to get sucked up by the private sector consortium. That's the same in Ajax and the same in my community and every other community that now has a privately financed hospital, when your leader promised these would go ahead as publicly financed projects.

Here's another promise that's been broken: "We will end the clawback of the national child benefit supplement. The clawback is wrong and we will end it. The Harris-Eves government has reinforced the cycle of poverty, not broken it." And you've reinforced the cycle of poverty even more by not ending the clawback like you promised.

Here's the promise on child care: "The Harris-Eves government has not put a penny into licensed child care. We are proposing an infusion of \$300 million." We haven't seen one new penny for child care in the province. Instead, this year there is going to be a 22% cut to the child care budget in the province of Ontario.

What's really gotten the Liberals here this evening is that they don't like to hear about all the promises that

were made to win the election, and to know that most of those haven't been kept.

**The Acting Speaker:** Further debate?

**Mr. Jean-Marc Lalonde (Glengarry-Prescott-Russell):** Mr. Speaker, I'll be sharing my time with the Minister of Health Promotion. I'll be speaking on the content of the bill.

This legislation enacts commitments arising from our 2006 budget. We are proud of our third budget, which continues to focus on health, education and post-secondary education while building a stronger economy through investment in infrastructure. This bill includes such important measures as the doubling of the tax credit for the hybrid rebate, granting the Minister of Natural Resources the power to provide grants from our forest prosperity fund, and an extension of the tax credit for foreign productions.

Here are some of the highlights of the bill. The film tax credit for foreign productions: amendments are being proposed to the Corporations Tax Act to extend the 18% tax credit rate for the Ontario production services tax credit for another year, from March 31, 2006, to March 31, 2007. The Ontario production services tax credit is a refundable tax credit available to qualifying corporations for qualifying Ontario labour expenditures in respect of eligible film and television productions. The extension of the 18% tax credit rate for another year reflects the government's commitment to support Ontario's film and television industry and to help ensure that it remains competitive.

In 2004, we announced a plan to eliminate the Ontario capital tax by 2012. In this year's budget, we announced that we would build on our original plan by accelerating the capital tax rate cut. Amendments are being proposed to the Corporations Tax Act to implement those measures proposed in the budget which would reduce the capital tax rates for 2007 and 2008 by 5% of the current rates. Further, we intend to fully eliminate the tax in 2010, a full two years earlier than planned, should the fiscal position of the province allow. Even though this portion is not included in Bill 81, it will be dealt with in future legislation.

By proposing to accelerate the tax rate cut, we are further enhancing Ontario's already competitive tax system. This is a key element in our strategy to promote new investment, economic growth and job creation.

Schedule H of the bill proposes to establish four years as the length of a term for council members and school board trustees. The proposed change would start with this fall's elections. Establishing a four-year term for local government representatives in Ontario is something AMO has asked the province to do, and we agree. Ontario would become the fifth province with a four-year term.

Les provinces qui actuellement ont des termes de quatre ans pour les municipalités sont le Manitoba, le Nouveau-Brunswick, la Terre-Neuve-et-Labrador, la Nouvelle-Écosse, et le Québec. Elles ont toutes actuellement des termes de quatre ans.



It's a matter of respect: We have fixed four-year terms at the provincial level, and federal terms can run a maximum of five years. Why should Ontario municipalities be any different? It's a matter of efficiency. A four-year term is the ideal period of time for a council to forge an agenda, implement it and then seek the people's judgment. This will require an amendment to the Municipal Elections Act.

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**The Acting Speaker:** I recognize the Minister of Health Promotion.

**Hon. Mr. Watson:** I always enjoy following my friend from Glengarry–Prescott–Russell, which is, of course, the gateway to Ontario from his fine riding in the east of our province. I'm very pleased to talk tonight about the 2006 budget. It's a budget that I am proud to support and certainly will be voting for.

I want to just talk about some of the highlights of the budget that are going to have a positive impact throughout Ontario, but specifically in my home riding of Ottawa West–Nepean and my city of Ottawa. The Move Ontario program is a \$1.2 billion investment in public transit. We are very proud of the track record of the McGuinty government when it comes to supporting public transit. We understand the connection between gridlock and quality-of-life issues when people are stuck in traffic if we don't have a properly funded transit system.

For many years, under the previous government, there were severe cuts to OC Transpo in the city of Ottawa, to the point where 100% of all capital funding was eliminated. I am pleased to be part of a government that has put \$200 million on the table, matched by the federal government and the city government, for the light rail project that is going to serve parts of Nepean, going down to the downtown core. It's a very innovative proposal. There are obviously critics of the proposal. I, in the past, have had some concerns about particular routing and so on. But the fact of the matter is this is a priority that has been established by the city of Ottawa council, and we have put \$200 million on the table.

We've also provided, again, additional funds for gas tax revenue. A lot of people have said, and I saw a letter to the editor in the Ottawa Citizen the other day where an individual said, "Why doesn't the province cut the gas tax? Because they must be reaping great benefits as a result of high gas prices." Well, members of this House are undoubtedly aware of the fact that the gas tax that we have is a flat tax: Regardless of how expensive gasoline prices are, we don't get more money. The federal government, on the other hand, of course, reaps substantial amounts of money if the price of oil goes up. But we have taken two cents of each portion of the Ontario tax and put that back into public transit throughout Ontario. So any municipality or region that has a transit system, like OC Transpo, is benefiting. I believe the figure for Ottawa is well over \$30 million, when all is said and done, on an annualized basis that will be put into the operations of OC Transpo.

I also want to talk for a moment about the importance of tourism. I had the great pleasure of being the president of the Canadian Tourism Commission for about three years, a federal crown corporation—

**Mr. John Milloy (Kitchener Centre):** The youngest one, ever.

**Hon. Mr. Watson:** The youngest president of a crown corporation—that was one of my claims to fame, the member from Kitchener Centre reminds me. I had the pleasure of going and visiting the good people in Pembroke. I've got to tell you a story. I see the member here from Renfrew–Nipissing–Pembroke. The very first time I had my name up in lights was at the Best Western Lodge in Pembroke. I was a guest speaker along with Mike Duffy. It wasn't quite Vegas, John, but it felt pretty good to see your name welcoming you into the city—a very warm, welcoming, hospitable group of people in the Ottawa Valley.

But we are concerned, obviously, as a number of tourism operators are—and we had an opportunity to meet with some folks from Niagara region—about potential border issues facing our country. I commend our Minister of Tourism for his aggressive stand in working with other states to ensure that we have a system in place that is not going to put our tourism industry in danger or jeopardy. Tourism is important in Ottawa. It's the third or fourth largest employer, for instance, and it creates economic growth, often creates a number of entry-level jobs for young people to get into the tourism industry. We welcome close to 20 million, if not more, visitors from the United States, and we have to make sure that the federal government continues to put pressure on the American federal government so that we are not going to see the kind of devastation which many of us have predicted if this passport issue is not resolved.

I'm also pleased that an additional \$424 million are going into the education system to help students succeed through our commitment to reduce class sizes from JK to 3. Schools in my riding, like Grant, Agincourt, Regina, Bayshore Catholic, Pinecrest, Briargreen—the list goes on and on—are great schools, but for too many years, the class sizes were too large. That was unfair to the students, unfair to the teachers, unfair to the whole education system. So this money is going to go a long way to hire additional teachers to ensure that we meet that cap of 20 students.

The new jobs and skills renewal strategy—and my friend the Minister of Training, Colleges and Universities has done an excellent job of ensuring that education is at the forefront of our government's agenda. The Premier has said on many occasions that we're not always going to be able to compete with China and India when it comes to the wage battle, but we can when it comes to intelligence and innovation and ingenuity. Thanks to investments by Minister Bentley and our government, we've seen \$6.2 billion in new dollars go into post-secondary education. Those wonderful institutions in Ottawa—La Cité, Algonquin College, located in Ottawa–West Nepean, Carleton University, my alma mater,



Ottawa university, the alma mater of our Premier, Saint Paul University—are fine, world-class institutions, yet for too many years were underfunded. The president of Algonquin College told me the other day that as a result of our government's investment, they've been able to hire, for the first time, 35 new staff members to teach those young people the skills they need.

As we've said before, we're proud of our government's track record when it comes to job creation. We have seen over 220,000 net new jobs created in this province, not by the province of Ontario, because people are tired and fed up with politicians who take credit for things that they don't really have any control over. We've helped to create the environment to create those jobs, but it's been the private sector, the entrepreneurs in our communities.

Let me just go back to tourism for a moment, because I think it's important that we all work together to ensure that some of the issues facing our tourism industry are dealt with in a systematic and sensible fashion—working with the Ontario Tourism Marketing Partnership, working with the Canadian Tourism Commission. I congratulate people like Otto Herberlein and Dick Brown and Jacques Burrell and Cyril Leeder, tourism leaders in our community. I commend Cyril Leeder, who I know my friend from Leeds–Grenville knows, the CEO of Scotiabank Place, who was just honoured by the Ottawa Tourism Association as the tourism person of the year.

I had the pleasure of being out in Calgary two weeks ago helping Toronto and Ottawa bid for the World Junior Hockey Championship, which is going to be an amazing event, if one of our Ontario cities is successful in attracting that wonderful tournament in 2009. The provincial government was out there because we realize that these kinds of investments are important to attract the kind of tourists in the Christmas period of 2009 who will help fill hotel rooms, restaurants, help the taxi industry and so on.

In my own portfolio, at the Ministry of Health Promotion, I'm very proud of our reinvestment of \$5 million in the communities in action fund. I believe every member is aware of the communities in action fund. It's a program that provides small grants for start-up organizations or individuals who want to get their populations moving and involved in physical activity and recreation. Our good friend Scott Bradford is the executive director of the Boys and Girls Club in Ottawa, which has benefited from this particular fund; the YM/YWCA—I look forward to speaking at their annual general next week in Ottawa.

Our Quest for Gold program, which was a very, very positive addition to the amateur sports community in our province, was a lottery that was established by our ministry in conjunction with the Ontario Lottery and Gaming Corp., and close to 1,300 young people from across the province have benefited from direct contributions.

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I was in Kingston with Minister Gerretsen on the weekend and met four of the athletes who received money from the Quest for Gold program. These individuals came up to me with their families at this reception at the YMCA and thanked the government of Ontario, because one of the young people could not have gone to the national championships in Vancouver if it wasn't for this money. Another was not going to be able to buy new speed skating equipment to compete next year in the competitions. So the Quest for Gold program put almost \$3 million directly into athlete support, as well as coaching, and an opportunity to enhance the summer games that are taking place in August in Ottawa and the winter games that took place in Collingwood just a few months ago.

Finally, I'm pleased that there are additional dollars in our budget for Smoke-Free Ontario, which is something I'm very, very proud of, the legislation that comes into effect on May 31 that will ban smoking in all public enclosed workspaces.

The member from Barrie–Simcoe–Bradford was complaining about tobacco taxes. I have to remind the member that his party increased tobacco taxes much more than we ever have, but we have committed to bringing the tobacco tax to the national average based on 2003, and we're proceeding with that. We've raised the tobacco tax three times, I believe, and it will be increased again to meet that national average, because the medical community tells us that the single largest factor in encouraging young people not to smoke is price. If we can work to get more and more young people not to smoke in the first place or to encourage them to quit, we're going to do that, because it's the right thing for the health care system in this province.

Fully 16,000 people will die prematurely this year in the province of Ontario as a result of smoking-related diseases. That's 44 people a day. That's just too many people. The grief that causes families and loved ones is too much. And there's the cost to the health care system. Often people say, "Governments are hypocritical, because you're getting all this tax money." In fact, we will only generate about \$1.5 billion in tax revenue from tobacco but we will spend over \$1.9 billion treating people with smoking-related diseases, and that doesn't even take into account the \$2.1 billion or \$2.2 billion in lost productivity. My parliamentary assistant, Dr. Qaadri, knows full well the implications of our not doing something about the tobacco epidemic we face in this province. We have to get fewer people to smoke. We have to get those people who are smoking and give them the necessary tools to get them to quit.

I am also pleased with the insulin pump decision. This is going to save families thousands of dollars. I've received a number of very kind letters and e-mails from residents in my riding of Ottawa–West Nepean from families who have had to pay for the insulin pump and the supplies that go with it. This government—thanks to Mike Gravelle who pushed this as a private member—is



going to be providing those services for those young people and, most importantly, for those patients and their families. It's regrettable that members of the opposition voted against that, because I think that is something that crosses party lines and something we should all be very, very proud of.

I am pleased to be a part of a government that has not ignored eastern Ontario, that has invested record amounts of money in health care. In the last year there literally has not been a hospital in Ottawa proper that has not had a crane up as a result of a construction project or a crane that has just come down. For instance, at the Queensway Carleton Hospital it will be going up because we have approved the third phase of the Queensway Carleton's expansion.

I thank the people of the Queensway Carleton, people like Mary Pitt, the chair of the Queensway Carleton Hospital Foundation, a former mayor of Nepean, who works tirelessly to ensure that funds are raised for that hospital and, more importantly, that awareness is raised. I look forward to going to the annual Queensway Carleton Hospital comedy auction that takes place at the sports-plex next week. As a result of activities that the hospital engages in, that money goes directly into patient care and very important services.

I'm proud of the nurses and the physicians that I had the opportunity to stand by when the Premier announced the doubling of the cancer care centre in Ontario. This will have a dramatically positive impact on cutting wait times that are still too long for cancer care throughout eastern Ontario. That announcement was important because we were able to put almost half the centre at the Queensway Carleton Hospital. They're going to build a new facility and increase the number of radiation bunkers and chemotherapy beds for patients. That's good news for the people of the west end of the city.

I am also pleased that we are able to get community health centre status working with Pinecrest-Queensway Community Health Centre and the Nepean Community Resource Centre, which serves Osgoode and Rideau townships. That is going to be coming online this year with the money in this year's budget.

I am proud of our investments in health care and education and infrastructure. I thank the House for the time I have had to speak about this.

**The Acting Speaker:** Questions and comments?

**Mr. Toby Barrett (Haldimand-Norfolk-Brant):** The Minister of Health Promotion finally did get around to talking about tobacco. He actually talked about another act, Smoke-Free Ontario, but he didn't talk about this particular piece of legislation. If he would take a look at schedule O, the Tobacco Tax Act amendment, with respect to tobacco it makes reference to the manufacture, distribution, export/import, storage, sale and advertisement of tobacco. With respect to the manufacture of tobacco—this may be out of his ballpark, though manufacturing is part of this bill—Six Nations in Caledonia are in the business now, thanks to this government, of manufacturing cigarettes. Three billion

cigarettes a year come out of Six Nations; they don't pay any Ontario taxes on three billion cigarettes. That is an awful lot of dollars thanks to the McGuinty government. Those tobacco dollars help finance the occupation at Six Nations in Caledonia, again thanks to the McGuinty government. That kind of tobacco money helps finance the lawlessness we're seeing at the occupation site at Six Nations in Caledonia. That kind of money also helps finance the blocking of railroads that was mentioned earlier this evening.

Also, under schedule O of this Budget Measures Act, the section on distribution: Who distributes tobacco within the underground economy? Guess who showed up at Six Nations Caledonia the other day? The Hell's Angels. Thanks to the McGuinty government, we have a series of smoke shops operated by organized crime; we have a connection, obviously, with the Hell's Angels, again thanks to the McGuinty government. As far as export/import, government policy now encourages the import of tobacco rather than using Ontario farmer home-grown product.

**Ms. Horwath:** I am pleased to make a few comments on the speeches by the member from Glengarry-Prescott-Russell and the Minister of Health Promotion. It is important that they, as government members, try to dig through the budget and uncover the things they are actually proud of; that's their job. But in the digging through those pieces and coming up with pride around investments in children particularly—I think the minister spoke about his happiness with the commitments for education funding—I have to tell you, that's not what we're hearing from stakeholders. We're still seeing school boards struggling significantly under a broken funding formula that this government refuses to fix. It was a funding formula that the Conservatives put in when they were in place, a funding formula that didn't work and that led to all kinds of crises at the school board level. Notwithstanding the pride that the minister takes in the government's funding of education, he has to realize that education funding is still at a crisis point. Instead of being able to provide the services that school boards want to provide for young people, they're having to siphon dollars away from special education and from ESL and from French immersion, and they're still in crisis with transportation funding. All of these things are problematic. Those things are being siphoned away in order for school boards to be able to just make ends meet in terms of their rising staffing and capital costs.

It's a problem. Notwithstanding that they are proud of it, it's still a problem, and they're still doing what the Conservatives before them did.

Also, they must know that students at the next level up, the level after that, at college and university, are still concerned about the rising tuition fees. Again, this is something the government has not dealt with adequately.

I could go on, but I've run out of time.

**2040**

**Mr. Milloy:** I want to begin by congratulating my two colleagues, the member from Glengarry-Prescott-Russell and the Minister of Health Promotion, for their sum-



maries of the budget, some of the positive aspects and how they're affecting their ridings, and in the case of the Minister of Health Promotion, what he's doing in his portfolio. I want to congratulate him on his appointment to this new portfolio, an innovative and creative way to tackle the health care challenges that lay ahead, not only for this province, but I think it's going to serve as a model for the rest of the country.

The speeches tonight touched on the three key themes of this government: education, health care and investing in our communities, especially in the areas of infrastructure, research and development, and the list goes on. I think it's important that we all realize how much progress has been made in the last few years and how things have changed.

I'll just tell a very brief story to members. A few weeks ago, I visited an educational program in my riding for troubled kids in high school. These are kids who aren't able to make it through the system, and they go into this program for a year. Their success rate is astronomical. They return to the system, and many of them go on to post-secondary education, apprenticeships etc. During the course of that visit, I was shown a news clip from not that many years ago, when this program was on the edge of being shut down under the previous government. Why? Because of a lack of funds for education. Contrast that with our coming in: \$424 million in terms of education going in.

I only have a few seconds left, but I have to take issue with some of the ridiculous charges that have come across the way from the official opposition about what went on in 2003. Let me quote Premier Eves:

—"No, we will not be running a deficit this year": September 22, 2003.

—"We will balance this year": CKVR, on September 30, 2003.

—"There won't be a deficit this year," he said during the leaders' debate.

Mr. Speaker, it's really quite—

**The Acting Speaker:** Thank you very much. There's time for one last question and comment.

**Mr. Runciman:** I won't spend a lot of time on that, but it has worked well for the Liberals in terms of the deficit they claim they were left. They don't talk about the fact that they had six months of that fiscal year in which to balance the budget. Premier Eves was right: We would have balanced the budget. We would have made the difficult decisions. What they did was spend it up; that's what happened.

I want to talk a bit about the Minister of Health Promotion and some of his comments about the passport and border issues. I represent a community with two border crossings into the United States, and this is a significant issue for us. You talk about the relationship with the United States. It's passing strange, with a new government in office—I think they were there two weeks, and we had this Liberal government in Ontario criticizing them, attacking them in this Legislature after they'd been in office two weeks. I don't recall any

references to the former government with respect to some of the attacks they made on the US government, the current government of the United States, whether in terms of the individual jumping on a George Bush doll, federal politicians demeaning the Americans—a whole range of issues—or Prime Minister Martin going after the president on CO<sub>2</sub> emissions when Canada's record is disgraceful in comparison with the United States.

This past fall I had dinner with a group from Connecticut. One of the things they said to me was, "Why do Canadians hate us?" This was an American group, very good people, asking why Canadians hate them. That's a perception because of the former federal Liberal government. Now we have provincial Liberals here with the gall to stand up and attack Mr. Harper and the United States government for trying to put in these kinds of protections for their own country. It boggles the mind that the Liberals have the gall that they display on a regular basis in this place.

**The Acting Speaker:** One of the government members has two minutes to reply.

**Mr. Lalonde:** I was just listening to the last speaker, the member from Leeds–Grenville. Let me tell you, we have to be honest with all the people of this province when we say that Mr. Harper has kept his word till now. I remember that about a year ago he said that if he was elected, he would cut the taxes on gasoline, but lately he said he just can't do that anymore.

Another point is that we have to remember that the former government left us with a deficit of \$6.5 billion. We had to adjust ourselves to that. We looked after the people of this province. We didn't download services such as 4,800 kilometres of road. We didn't download ambulance services. We didn't download social housing. We didn't download the farm taxes, of which the municipalities now have to absorb 75% of the total amount. Those are points that the former government has done to the taxpayers of the province of Ontario.

At the present time, the people of this province are really proud of the McGuinty government's 2006 budget. They recognize that with what they did in the past, the money we transferred to the municipalities to fix the roads and bridges was really welcomed by all the municipalities of this province. It was about time, because right now we are just repairing the—les pots cassés, as we say in French. That's what the people from the previous government had done.

**The Acting Speaker:** Further debate?

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):** It's a pleasure to join debate on Bill 81. Before I get too far—

**Mr. Delaney:** Where were you last Sunday? We needed you on the ice.

**Mr. Yakabuski:** I was working hard in my riding. I was playing right wing there, as opposed to left wing for you guys down here at Queen's Park.

Interestingly enough, the new member for Nepean–Carleton had her maiden speech last week; she must have had a tremendous effect on the members on the



opposite side of this House, because the member for Perth—Middlesex pretty much spent the his entire speech today responding to the member from Nepean—Carleton. I congratulate the new member from Nepean—Carleton for having that kind of effect on this government the moment she steps into this House. Congratulations.

Speaking of the member for Nepean—Carleton, she was elected to this House on March 30, along with Christine Elliott, also a PC, and Peter Tabuns for the NDP. In Nepean—Carleton, right after that McGuinty budget, you got—what?—58% of the vote or something like that? So I don't know why the member for Glengarry—Prescott—Russell was talking about how the people are so proud of this budget, because in Nepean—Carleton, they said no to the McGuinty Liberals in a most resounding fashion, as they did in Whitby—Ajax and Toronto—Danforth.

Now that we have that out of the way, the Minister for Health Promotion talked about a visit to Pembroke. I actually appreciate that he mentioned my riding, so I want to talk a little about my riding.

Hockeyville: Is there anything in the tourism budget—because we are talking budget—to support the bid of Barry's Bay for Hockeyville? All throughout my riding, the entire valley, they are getting behind Barry's Bay like you just wouldn't believe. I had a chat the other day with Jack Wilson, the reeve of Laurentian Valley. Incidentally, Jack celebrated his 71st birthday and his 50th wedding anniversary on the same day last Friday. Congratulations to Jack.

**Hon. Mr. Watson:** Send him a CD.

**Mr. Yakabuski:** He's already offered to buy several because he knows just how popular it's going to be.

Anyway, Jack was talking about how much they support the Hockeyville bid. Do you know what's coming up? There's a new video coming out on May 16, I think it is, another step, and then of course on June 11 we're going to choose the winners of Hockeyville. I'm not sure if you're going to get another opportunity, but I suggest that all of the people in this House get behind the winning bid. Back a winner, Barry's Bay, for Hockeyville. It's going to be wonderful.

*Interjection.*

**Mr. Yakabuski:** Well, Peterborough—a valiant effort, I might say to the member for Peterborough.

**Mr. Leal:** We're still in the competition.

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**Mr. Yakabuski:** Well, you're in the game because they've got to have so many in the game; I'm sorry. We'll talk about it after June 11, but the best of luck anyway. I still think you've got a fine city there.

Anyway, let's talk about this budget. Oh, boy. I heard the member for Kitchener Centre again talking about the deficit that they were left with. Well, it is becoming a little less fuzzy as time goes on just what the true circumstances were when this government took office. I don't think that at any other time in history, a government faced the kinds of absolutely unprecedented, unusual events that the previous government did in 2003 with

regard to disasters of epic proportions in this province like they had never seen before. But I can assure you, had that government been re-elected, they would have put their shoulders to the wheel and they would have balanced that budget before the end of the fiscal year. However, this new government knew that they could parlay that for their own political purposes. They no more wanted to balance that budget than they wanted to—I can't even say in this House what they wanted to do.

**Mrs. Carol Mitchell (Huron—Bruce):** Oh, go ahead.

**Mr. Yakabuski:** I would only have to withdraw it, and that just wastes time.

They had no intention of balancing that budget and no desire to balance that budget, because they have used that number as a scapegoat for all of their failings—not all of their failings, because, my God, you'd need more than one scapegoat for all of their failings since they have taken office. But it is clear as we have moved forward that they could have balanced the budget of 2005 and they most certainly could have and should have balanced this budget. They are running a deficit for partisan political purposes, and that is a tragedy in our democracy.

This government talks about having a tough time. They're awash in cash, but they just don't know how to handle it. They're like a bunch of drunken sailors, and I'm not picking on the sailors; I would never pick on the sailors. But they don't want to balance the budget because they want to continue to use that crutch for political purposes.

What could they have done? They certainly could have supported rural Ontario a lot more in this budget.

**Mrs. Mitchell:** We did.

**Mr. Yakabuski:** Oh, the member for Huron—Bruce says they did. That's not what people in her riding are telling me. No, no, no. Rural Ontario got the shaft in this budget from this government. This budget was what I call the "buy Toronto" budget; that is b-u-y Toronto.

**Hon. Mr. Watson:** You can spell.

**Mr. Yakabuski:** Yes. I can spell "conservation" too; I must tell the minister that some day.

It's the "buy Toronto" budget, because that's what this was all about. Of all the excess spending of the \$3-billion windfall—windfall—almost all of it went to Toronto.

*Interjection.*

**Mr. Yakabuski:** I have corrected my own record there, member for Perth—Middlesex.

They spent most of that money in Toronto. Rural Ontario got very little—some one-time funding.

**Interjection:** Will you give it back?

**Mr. Yakabuski:** We appreciate the one-time funding. No, we're not going to send it back; it is much needed. But it represents only a small amount of what is required for rural Ontario municipalities to support the programs that they're entrusted with today.

One of the things I'd like to talk about that they could have been doing—how come I only have three minutes left, by the way? Table, was this a 10-minute rotation? Yes? I thought it was 20. My apologies. Well, I'm not even going to be able to cover it all now. They deceived



me with that clock. All of a sudden, I've got half the time here. I want to know if the minister had anything to do with that.

Anyway, I want to talk about water and sewage support. I will thank the minister responsible for rural affairs for the fact that we secured a significant contribution for COMRIF in Renfrew, and that's great because that is much needed. But for small rural municipalities in this province with municipal water systems with few users, their government must find a better way of supporting them. The premise that they must support themselves and that it must be on a cost-recovery basis has to be revisited. Small rural systems in my riding, and I suspect in every one of the rural ridings out here—I don't hear the Liberal rural ridings complaining about this government much because they want to support the government, but they're putting all of their seats in jeopardy, I might add.

However, let's get back to the issue of small rural municipal systems. They have to be supported to a better degree than simply the COMRIF program. Those systems cannot be operated on a cost-recovery basis. They are too small, with too few users. It is provincial governments that mandate the improvements to those systems, that mandate the standards they must adhere to, and it has to be recognized by provincial and federal governments that there has to be more support for those small rural systems. I'm here to support the ones in my riding that are facing significant costs in order to upgrade and that need some extra help.

A couple of things—and I just don't have time. But the minister talked about borders and this and that. Well, this is the government that cut \$100 million from tourism in this budget and \$284 million from agriculture.

**Mrs. Mitchell:** That's not true, and you know it.

**Mr. Yakabuski:** Don't be pointing—I'm pointing the fingers here today.

Let's talk about long-term care. I recently met with administrators of long-term-care facilities in my riding and, boy, they are so, so disappointed in this government. The health minister said we're going to have a revolution in long-term care. You're going to have a revolution on your hands from long-term-care homes and administrators in this province if you don't own up to your promises and support them the way you promised in the campaign of 2003. You've broken almost every other promise. Please take a look at what you're doing to people in long-term-care homes in this province. Mr. Speaker, they have broken their word. They are not funding them to the tune they promised, and it is hurting and costing standards of living in our long-term care. They instituted all kinds of new standards—could I get another 10 minutes, Mr. Speaker?

**The Acting Speaker:** Not unless the House gives it to you.

**Interjections:** No.

**The Acting Speaker:** I heard a no. Questions and comments?

**Ms. Horwath:** I have to say they were very entertaining remarks by the member because he at first started talking about hockey, I think, in his speech. I have to say I grew up in a hockey family. My brothers both played hockey; they still, to this day, play hockey. So it was kind of reminiscent of the old days, hearing about the hockey issues.

But the member did go on then to speak about some really serious concerns about this bill and about the budget priorities of the government. Although we may not particularly agree on every single one, I think one of the things that's really apparent and that most members have been raising is the fact that budgets are about government choices. This member, I think appropriately, stood up for the members of his community, indicating that some of the choices that this government made were not necessarily the right ones from the perspective of the people he represents, and I think that's an important issue that needs to be brought here. I think he actually referred to a particular group of people who tend to sail the high seas in terms of the way that they spend money. I don't know if I agree with that characterization or not, but I do have to say that in some of the places where this government, while running for election, promised to spend money, we simply haven't seen it.

The member spoke particularly about the issues that seniors are disappointed with, the lack of commitments being fulfilled in this budget and in every budget so far to long-term-care centres in regard to hours of nursing, as well as the annual expenditure for each resident in those facilities. He spoke about the \$3-billion windfall this government saw and their lack of commitment to the long-term-care sector in terms of fulfilling their promises prior to the election.

Thank you, Mr. Speaker, for the opportunity to comment on the member's speech.

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**Mrs. Mitchell:** I just want to start off with the reference that the member made towards—"drunken sailors" was his actual comment. I want to say that I do take exception to that, as my husband was a sailor. I can tell you that that industry works very hard for Ontario and for all of Canada, and I do take some insult to the comment. Let's go on from there. I'll try to hold that back.

One thing I do want to talk about is how important this budget was to rural Ontario and for the riding of Huron-Bruce. I'm just going to give you a few numbers, just so that we can absorb those numbers. Over a million dollars in financing annually to ambulances to start to deal with the downloading that was done by this side of the House. Then we move on to the \$10 million that I received for roads and bridges. This is another thing that was so important to my riding. Just to state for the record, that member across the way also received \$7 million for his riding. So when we talk about abandonment of rural communities, I think one should bring all the numbers forward when one makes comments of it.



I also want to state that the ag budget was not cut; it was an increase of \$16 million. We have committed to the agricultural community. I know that the members from across the way continue to perpetuate that there was in fact a cut, when they know, by referring to the budget, that that is not true. There is \$350,000 to libraries in the riding of Huron-Bruce. It is tremendous. I talk about over \$5 million for the annual budget for my hospitals. I can go on and on, but I have run out of time. I do want to restate: This budget was about rural Ontario as well.

**Ms. Lisa MacLeod (Nepean-Carleton):** I certainly appreciate the honourable member from Huron-Bruce. She was almost as entertaining as the member from Renfrew-Nipissing-Pembroke. I thought it was a great exchange. I enjoyed it.

I want to congratulate the member for talking so much about eastern Ontario. I really appreciated it. There are a number of members here from eastern Ontario today. Regrettably, the budget didn't address our region as much as it did perhaps the greater Toronto area, the GTA. I'm wondering in his closing remarks if he wouldn't mind addressing this issue, that eastern Ontario was largely forgotten in the recent budget in terms of infrastructure funding.

I'd like to take exception to the discussion about rural Ontario receiving a lot from this budget, because whether you were in northern Ontario or anywhere else in rural Ontario, we can't get past the fact that \$244 million was cut from the agriculture budget. It doesn't matter which way you slice it, that money is not there, and our farmers are very frustrated.

Another thing is, young families in Ontario are upset that they're being taxed by about \$2,000 more annually, and it's very hard, like my family and many members opposite with young children, to make ends meet. As an advocate for young families in my community, I would have liked to have seen more money in the budget for children and youth. It's regrettable that this budget has taken out \$82 million for children and youth.

Again, I'd like to talk to the member from Renfrew-Nipissing-Pembroke and see how he would address these concerns and what his recommendations would be to the Liberal government today.

**Hon. Mr. Watson:** I always enjoy the member from Renfrew-Nipissing-Pembroke. He's a cross between Cheryl Gallant and Hec Cloutier. He's got that great Ottawa Valley twang going and is really quite enjoyable to listen to. I don't believe half of what he says, but it's always quite entertaining.

My friend here from Mississauga has given me a couple of statistics, which we'll call a reality check, for the last year of the Conservative government. We know that they left us with a \$5.5-billion deficit. They would have added another \$4.4 billion in corporate income tax giveaways, then another \$300 million for the private school tax credit, bringing it up to \$10.2 billion, then another \$2 billion in other reckless spending. They would have left this province, if they'd stayed in government, a \$12-billion deficit, ladies and gentlemen.

Let me just quote one section from the Ministry of Finance, August 12, 2003, because the member talked in great detail about the difficult extenuating circumstances of that time. It says, "Ontario will incur an additional \$1,073 million in directly related costs in 2003-04 due to SARS. In the absence of any federal financial support, the province will offset these higher expenditures by allocating \$600 million of the \$1 billion reserve and reducing the contingency fund by \$400 million to maintain the balanced budget." Notwithstanding the SARS epidemic, notwithstanding the hydro blackout, the provincial government said, and it is right here in this document put out by Janet Ecker, "The 2003-04 fiscal outlook is on track with the 2003 budget plan. As of June 30, 2003, a balanced budget is projected, unchanged from the budget plan."

It was smoke and mirrors. They had no intention of balancing the budget. We do.

**The Acting Speaker:** The member for Renfrew-Nipissing-Pembroke has two minutes to reply.

**Mr. Yakabuski:** I'd like to thank the members from Hamilton East, Huron-Bruce, Nepean-Carleton and Ottawa West-Nepean for their commentary.

I think the member for Nepean-Carleton put it right: People are continuing to suffer under this government, and this budget is no different. They're paying \$2,000 more per family than they used to, with the taxes and the fee increases under this government. And what's going to happen going forward, with the amazingly high energy price increases this government is causing because of their disjointed and unreasonable energy policy in this province? That's over and above the tax increases. What can we expect in the future under this government? Because they have no plan other than to look for expensive power in the province of Ontario and pay whatever anybody is willing to charge for it. The member for Perth-Middlesex talked about smog. Well, you don't even hear your Premier talk about smog anymore because he knows it was a bogus argument, because we can take care of smog with scrubbers and SCRs. He doesn't even talk about it anymore.

*Interjection.*

**Mr. Yakabuski:** Well, I'll tell you, it's a heck of a lot cheaper than what you people are doing. That's reflected in the prices of power. The Minister of Energy was talking the other day about power prices going up 32% in Massachusetts. You know why they're going up 32% in Massachusetts? Because 70% of their power comes from natural gas and oil. That's why. Let's get the truth out here about power. The people are going to find that this government is going to dip into their pockets even more and more because of their disjointed, unreasonable, unsustainable policies.

**The Acting Speaker:** Further debate?

**Ms. Horwath:** It is my pleasure to enter into the debate on Bill 81, the budget implementation bill. I have to say that a lot of the debate tonight has been about choices, about whether or not the government has made the appropriate choices. Of course government members



get up and say, "Yes, we've made the appropriate choices. We're proud of the choices we made," and opposition members get up and say, "No, they made all the wrong choices. They should have done this; they should have done that." Well, surprise. I don't think I'm going to stray very far—

**The Acting Speaker:** I've a hard time hearing the member for Hamilton East.

Did I hear a point of order request?

**Mr. Runciman:** On a point of order, Mr. Speaker: Under standing order 25, "Following the speech of each member, up to four members may ask questions and comment for up to two minutes each on matters relevant to the matters before the House...."

I believe, Mr. Speaker, there were three members who spoke in terms of the two-minute responses. That's why I stood in my place and felt that it was appropriate that I would have an opportunity to have a two-minute response.

*Interjection.*

**Mr. Runciman:** Were there four?

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**The Acting Speaker:** Thank you for your intervention. I stand to be corrected—we'll have to check—but it's my understanding and my recollection in my notes that the members for Hamilton East, Huron-Bruce, Nepean-Carleton and the Minister for Health Promotion—that makes four—had responded to the member for Renfrew-Nipissing-Pembroke.

**Mr. Runciman:** My apologies.

**The Acting Speaker:** We'll check the Hansard to make absolutely sure, but that's my recollection and my understanding.

I appreciate your intervention, but I'll return now to the member for Hamilton East.

**Ms. Horwath:** Speaker, do I get my time back on the clock?

*Interjections.*

**The Acting Speaker:** We'll look after that, thank you very much.

The member for Hamilton East.

**Ms. Horwath:** Thank you very much, Mr. Speaker. As I was saying, it's a matter of choices. I was also saying that I wasn't going to stray far from the pro forma that has been occurring this evening in terms of highlighting some of the choices where I think the government erred in terms of the choices it made and didn't make. A great deal of what I have to say is going to be similar to what the member from Nickel Belt said earlier, because we think that the government actually had the opportunity to make some of the appropriate choices. In fact, we understand that they made promises around some of the choices they should have made in this budget. Unfortunately, the choices they did make didn't see the light of day in regards to looking anything like the promises that they made.

I thought it would be instructive to share with people watching tonight something called the Ontario alternative budget, a document that's put out annually by the Canadian Centre for Policy Alternatives. Again, these are

the choices that governments make when they put together budgets, and the Canadian Centre for Policy Alternatives put together an alternative budget, a budget with different choices in it. Their press release introducing their Ontario alternative budget for 2006, interestingly labelled *We Can't Afford Poverty*, said:

"The alternative budget shines a spotlight on the McGuinty government's abject failure to address the financial crises for Ontario's least advantaged citizens left behind by the previous government.

"The government talks a good game about its success in rebuilding Ontario's public services, but the reality is that, after you allow for inflation, Ontario's lowest-income citizens will be receiving less support from their provincial government when the latest announced increases take effect than they were when the McGuinty government took office," OAB co-chair Hugh Mackenzie says.

"Even the Liberals' most basic promise to low-income families—to end the clawback of the federal child benefit for families receiving social assistance benefits—has evaporated. Despite the pass-through of the increases in the child benefit, the clawback they campaigned against is still taking millions of dollars in federal child benefit money out of the pockets of Ontario's lowest-income families. Indeed, for every \$1 that the Liberals are passing through, the government is still clawing back more than \$5...."

One more important paragraph that I wanted to share that's quoted in here:

"Taking concrete steps to alleviate poverty and income inequality isn't just the right thing to do in a society that prides itself on its compassion, it is in the enlightened self-interest of every person in the province," says OAB co-chair Andrea Calver. "Growing poverty places more pressure on the health care, education and justice systems. It makes our society less productive and it undermines the quality of life of the province as a whole. To put it most simply, we cannot afford poverty."

I tend to agree with not only the sentiment but I also agree with many of the suggestions that the alternative budget brings forward, not the least of which of course is the issue of child care spending. But before I get to that, I think it's important to acknowledge that when you are looking at the alleviation of poverty and looking at turning back some of these very regressive social policies that the previous government put in place, it takes dollars, it takes financing.

There are two important things I think people need to know within that context. One is, the \$3-billion windfall that this government got this last year and could have invested in removing some of these heinous policies, like the clawback that they campaigned against in the first place, and also the fact that instead of deciding to deal with some of these social problems or some of these income inequities or some of these deepening situations of poverty in our province, the government decided that they were going to reduce their revenues by expediting a capital tax giveaway. What that in effect does over time



is reduce the revenues of government by \$1.2 billion in this capital tax giveaway, a capital tax giveaway from which the organizations that are most going to be benefiting are banks and insurance companies.

People have said to me, "You can't muck with taxes because these companies will just leave." Well, I'm sorry, but the banks are not going to leave and the insurance companies are not going to leave; they're making money hand over fist in the province of Ontario. They're here to stay. So why are we giving them more money when in fact this money can be invested in some of the social programs that that government across the way said they were going to deal with?

I am not going to go on and on about the national child benefit; that's the first and most obvious one. That's the one that would have pulled a lot of these families that are struggling so hard out of poverty, or at least reduced the depth of their poverty. It's unconscionable, but the government has broken that promise yet again.

When you talk about families and you talk about governments and you talk about policies and you talk about the government taking a leadership role, the McGuinty government likes to brag about the number of citizens of Canada that it represents when he talks to the federal government about things like fiscal deficits, budgetary deficits, or the gap, if you will.

Why isn't, then, this government taking on a leadership role when it comes to things like child care? I cannot fathom it. This government made real commitments around the implementation of a child care program in Ontario. They went over the top in their announcements of the Best Start program, and frankly I thought that was the right direction to go. In fact, the alternative budget document that I was speaking about before agrees. They can't understand either why this government has turned its back on child care. What they say in their document on child care is that the Best Start program would have been the most appropriate thing for the government to do. They don't even say that the government should have kept their \$300-million promise. In fact, they're saying an infusion of \$520 million in new provincial dollars was the appropriate way to go.

What they are saying is that the Liberal government has failed the families of Ontario, that the issues that were identified in terms of early learning and care for children in this province have not gone away, that instead of turning back the hands of time and wholeheartedly abandoning all of the research and all of the information and all of the investment that not only the government and staff in this place, but agencies and organizations and physicians and early childhood educators and people in the field—all of the effort that has gone into building this elusive Best Start plan was a good investment and shouldn't be abandoned. Instead, this government has taken a hightail exit on their commitments to child care. What kind of leadership is this province showing when other provinces in this country are already far ahead of the province of Ontario in terms of provincial investment in child care programs and in terms of providing a child

care program that is accessible and is licensed appropriately and is universal and is developmental, that has all of the elements that this government could have continued to work towards?

Instead, they took the cheap way out and they cut the child care budget by 22%. I say that is not the way to lead on children's issues in the province of Ontario.

**The Acting Speaker:** Questions and comments?

**Mr. Leal:** I did listen to the comments from the member for Hamilton East, but, Mr. Speaker, I would like to note—you would know this—that back in 1993, it was the government of Premier Bob Rae that froze ODSP in the province of Ontario. It's interesting to note that five of their eight-member caucus who are here today were cabinet ministers in that government, so they would have rubber-stamped that decision back in 1993—rubber-stamped it.

I carry with me every day a little article from the Toronto Star dated December 5, 2005: "Layton Softens Stand on Clinics."

"The admission takes the wind out of a key issue for the NDP in the campaign," because Jack Layton says that public clinics are here to stay. Oh, my goodness: private clinics. He softens his stand.

**2120**

**Hon. Mr. Watson:** And he went to a private clinic.

**Mr. Leal:** That's right; my friend Mr. Watson tells me he did go to a private clinic, the Shouldice clinic. I know my constituents in Peterborough couldn't go to a private clinic like that. We depend on the investments in public health care, such as the \$200-million investment made for a brand new hospital in the riding of Peterborough, new investments for primary care reform in Peterborough, because we believe in strengthening the public health care system in the province of Ontario.

Last Saturday, I had the opportunity to attend a district meeting of the Canadian Diabetes Association. They were appalled—appalled—that the opposition parties would vote against the initiative of providing insulin pumps and supplies for families across the province of Ontario. They told me they should be ashamed of themselves for not voting for that initiative, and they—

**The Acting Speaker:** Thank you very much. Questions and comments?

**Mr. Barrett:** I actually didn't get quite the violent reaction to the presentation by the member from Hamilton East that the member opposite just presented. I think of the city of Hamilton. Having knocked on many, many doors in the member's home riding during the by-election—I think we were up there for maybe seven days, all told, and to her credit, in spite of our best efforts, the member from Hamilton East prevailed. But I was so impressed with the houses and the yards and the gardens—and not just flower gardens, but some of the vegetable gardens that people have in the city of Hamilton. It suggests to me—when you think of the city of Hamilton, it's a hard-working town; I have a lot of respect for that city. I drive through that city quite a bit.



People arrived in Hamilton from Europe over the generations as a result of the ravages of war, food shortages. Budgets in Europe consistently, as in the United States, provide an allocation of very significant dollars to guarantee food self-sufficiency. Europe went through it; the United States knows about it. Presently, in the province of Ontario, we see reductions in the agricultural budget that can be fixed in the course of this year with extraordinary allocations. But again, I think of the city of Hamilton. In spite of the beautiful gardens in the small properties that I visited—the potential is there to grow food, but I think we all recognize that the city of Hamilton cannot be self-sufficient in food, even if everyone had a garden. I will propose that you are dependent on farmers, not only in this province but elsewhere, and that kind of dependency should be reflected in an Ontario budget.

**Mr. Bruce Crozier (Essex):** I am pleased to have time for a couple of comments on the speech by the member from Hamilton East. She brought up a subject that I'm keenly interested in, not as a parent but as a grandparent, and that is child care.

We had a deal with the federal government. In fact, the deal was across this country with the federal government. Then we get the new Reform-Conservative government in Ottawa under Stephen Harper, and he says, "Oh, I've got a better deal for you." He said, "I'm going to give each family \$1,200 for each child under five." Now, isn't that a great thing?

You know, in the city of Toronto, our daughter can't get decent child care for our little grandson, Adam, to begin with, and do you think you could get it for 1,200 bucks a year of taxable benefit? You couldn't do it. So what does this new government in Ottawa do? It just rips it up; it just tore it apart. And we've got these kids, these young people—

*Interjections.*

**Mr. Crozier:** I think you're selling our Best Start program a little short, because we are doing our best, but could we use the federal government's help? Absolutely. But they just tore it up. Nancy, our daughter, wrote to the Prime Minister; he hasn't answered. She wrote to Jack Layton and Bill Graham too to get support. But 1,200 bucks a year for child care in the city of Toronto, let alone in Leamington or Essex county—

*Interjection.*

**Mr. Crozier:** Hey, now, don't you talk. I don't have a child under five, but I have two grandchildren who are under five, and I know that they need decent child care and I know they aren't going to get it from your federal government.

**Mr. Yakabuski:** It's a pleasure to respond to the member from Hamilton East. Yes, I must say, since she was elected in the by-election in 2004, she's made a great contribution here on behalf of her party and her constituency, and she speaks passionately on the issues.

One of the issues she's speaking about today is child care; she speaks on child care and health care. When I look at health care, I ask the people of this province to

judge this government as to whether or not they were square with them and whether they were honest with them. They railed against the previous government. They said, "We will never, never build a hospital that isn't 100% publicly owned, publicly funded with public money. We will never do anything like build a P3 hospital."

We can't criticize them for doing it, because that was our plan, so that the money for bricks and mortar wouldn't be taken out of the public purse. But that is exactly what they are doing. They are building the hospitals like from our plan, because they weren't honest enough to be square with the people of this province and tell them what they were going to do. We, on the other hand, are always willing to tell the people of Ontario what we will do. We won't hoodwink you. We won't try to pull the wool over your eyes. We will be square and we will be straight. When we bring a policy and when we bring an election platform to you in 2007—I say this to the people in TV land—you will be able to take that to the bank. We won't make promises that we can't keep. We will not say things—

*Interjections.*

**The Acting Speaker:** Take your seat. Sorry. I apologize. Would the House come to order, please. We're almost done.

**Mr. Yakabuski:** Could I have a few more seconds to wind up, Mr. Speaker?

**The Acting Speaker:** I'll allow you to conclude your brief two-minute response. I recognize the member for—

*Interjections.*

**The Acting Speaker:** I'd ask the House to come to order, please. Let him conclude.

**Mr. Yakabuski:** Thank you, Mr. Speaker.

You would like to speak to this House in the softest of tones, and they force you to raise your voice simply because they don't like what you are saying. But the fact is that we disagree with this government; we disagree with the budget. We would like to articulate that—

**The Acting Speaker:** Thank you. This concludes the time for questions and comments.

I'll return to the member for Hamilton East. Do you wish to respond?

**Ms. Horwath:** I will be really quick with my response. I want to thank the member from Peterborough, although he spoke about issues that I didn't speak about, and he spoke about a caucus I wasn't a part of. Nonetheless, I think he thought it was important to raise some of those issues. But he's still, I think, not admitting that there are some problems with the budget.

To the member from Haldimand-Norfolk-Brant, thank you for talking about my community of Hamilton. One of the things he didn't acknowledge, though, is that in fact Hamilton has a huge agricultural community, and a great deal of our economy is reliant upon our agricultural community. I think that is an important thing to mention.

To the member from Essex, again, thank you very much for your comments. I think it's extremely important

that you raise them. Certainly, everybody would agree that the federal government—at least I agree—has gone the wrong way. The Jack Layton child care budget was an important piece of Canada, and unfortunately the government that we have now has not seen the right thing to do. My family members are paying over \$1,400 a month—my brother for his two children, my niece, Erica, and my nephew, Andrew. It's a sin that they have to pay that much for child care without any help.

To the member from Renfrew–Nipissing–Pembroke, thank you very much for your comments as well. Although you talked about hospitals and P3s, one of the

things I thought was interesting was how you indicated that this government, unfortunately, is going in the same direction as your government went in terms of private financing of hospitals. We in the NDP, on the other hand, don't believe in that.

Thank you to all members for your contributions. I appreciate it.

**The Acting Speaker:** Thank you very much. It being past 9:30 of the clock, this House stands adjourned until tomorrow at 1:30 p.m.

*The House adjourned at 2130.*



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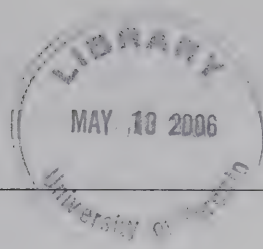
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Mercredi 26 avril 2006

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Honourable Michael A. Brown

Président  
L'honorable Michael A. Brown

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## LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 26 April 2006

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 26 avril 2006

*The House met at 1330.  
Prayers.*

### MEMBERS' STATEMENTS

#### LIBERAL CAMPAIGN PROMISES

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):**

When politics trump need, the people are always the ones left to pay the price. This is becoming clearer every day here in Ontario.

When Dalton McGuinty was in opposition, he knew that his promise to shut down almost a quarter of the province's generational capacity was total nonsense. He knew that, at a time when our supply was tenuous, shutting off the power to almost two million homes was not the responsible thing to do. He knew that he could not follow through with his commitment. Experienced people in his caucus and industry leaders told him so.

He knew that any alternatives to coal-fired generation would be much costlier even than clean coal technology. He knew that natural gas plants were sitting idle all over North America because they were too expensive to operate. He knew that power from wind would be very expensive, impossible to control and therefore unreliable. He knew that his energy policy would place extreme financial hardship on the people of Ontario.

Do you know what? None of that ever mattered to Dalton McGuinty because he didn't care. He focused on one goal: to be Premier. The facts were never an issue if they got in the way of his goal.

Well, people are now paying the price here in McGuinty's Ontario: \$2,000 per family per year in new taxes and fees; skyrocketing property taxes; gas prices and mortgage rates on the rise. Couple this with the certainty of still higher electricity prices, already up 55% under this regime, and Ontarians have come to the conclusion that in October 2007 it will be time for Dalton McGuinty to pay the price.

#### DOORS OPEN GUELPH

**Mrs. Liz Sandals (Guelph–Wellington):** I was delighted to attend Doors Open Guelph, organized by the Guelph Arts Council and Heritage Guelph, last Saturday, April 22. Doors Open Guelph is the first of 50 Doors Open Ontario events sponsored in part by the Ontario Heritage Trust. This initiative allows local residents and

visitors to explore the city's history and architectural heritage through public tours.

One of the sites I visited was the Guelph Railway Powerhouse and Car Shed, which now houses 44 affordable housing units. George Sleeman built the limestone streetcar storage and repair shed and the powerhouse for his Guelph Railway Company in 1895. One streetcar line actually took workers from downtown out to his original brewery to work. After the radial line closed in 1937, the building was used as bus storage barns for the Guelph Transportation Commission.

In April 2005, the province signed an affordable housing agreement with the government of Canada, from which my area of Wellington received \$3.85 million. As part of Guelph's affordable housing allocation, Guelph developers John and Tom Lammer have restored this historically significant stone building and given it new life as 44 affordable housing units—a win-win-win project: more housing, greater density, and we've saved a great old building.

#### LANDFILL

**Mr. Norman W. Sterling (Lanark–Carleton):** Last Saturday, the new member for Nepean–Carleton and I joined more than 300 concerned citizens of Carp and nearby Stittsville to march in opposition to the expansion of the Carp landfill site.

First of all, I want to thank Marlene Labelle and Peta Seguin of Stittsville, who organized the event, and congratulate them on getting so many people out on a cold, miserable Saturday morning. I also want to recognize the participation of Ottawa councillors Eli El-Chantiry, Janet Stavinga and Peggy Feltmate.

At the dump, Lisa MacLeod and I were presented with a petition calling on this Legislature to ensure that the minister require a wide environmental assessment on this project. It goes on to say that the assessment must include examination of alternatives such as other landfill sites and incineration. The petition includes the signatures of about 10,000 concerned residents. That is on top of the many other petitions I have been receiving in my office, some of which were introduced in this Legislature by Lisa MacLeod, the member for Nepean–Carleton, and me yesterday.

I call upon the McGuinty government to stop this dump. Listen to the people of Carp, Stittsville and west Ottawa. Find an alternative to expanding the Carp landfill site.



## HALTON REGION EMPLOYEES

**Mr. Kevin Daniel Flynn (Oakville):** It's a pleasure to rise in the House today to recognize the efforts of Halton Regional Police Chief Ean Algar and Halton Regional Chair Joyce Savoline. They're both intending to retire, unfortunately, from public service this year.

Chief Algar and Chair Savoline have spent most of their careers working tirelessly to promote and contribute to the well-being of my community of Halton. Under the guidance of these two individuals, Halton has flourished into a safe and desirable place to work, live and raise a family.

I was honoured to be a guest at the Halton Multi-cultural Council's annual banquet to honour the contributions made by both Chairman Savoline and Chief Algar to the region of Halton as they retire from public office.

Chief Algar began his career as a police officer in 1968 and served throughout the region of Halton. He was appointed chief of police in 1999. Throughout his career he received numerous awards, but I am especially proud of his commitment to eliminating and combatting racial discrimination and to promoting harmony within the community.

Chair Savoline became active in the Halton community first as a volunteer with community groups and committees and then elected as a local and regional councillor in the same year as myself, 1982. Ms. Savoline was appointed as chair of the regional municipality of Halton in 1994 and 1997.

Today, I would like to publicly acknowledge and honour the incredible dedication and contribution of both Chief Algar and Chair Savoline to the wonderful community of Halton.

## AGRICULTURE INDUSTRY

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** Today I'm rising once again to bring to the attention of the McGuinty government the crisis facing our agriculture community.

The agriculture community has organized campaigns and protests across Ontario to raise awareness of the crisis in the agriculture industry. One of their organizers is Joe Hickson. Joe grows grain and oilseeds near Lindsay and has been a great advocate and organizer for the farming community. They've led campaigns to raise public awareness of their needs and to put pressure on both the provincial and federal governments to act immediately to save the future of farming. I want to thank Joe for all his hard work.

Immediate help is needed for this essential industry. Without it, our future is uncertain. Our government needs to increase its financial investment in all of agriculture and invest in Ontario's 60,000 farm families. The high quality of food that Ontario farmers provide is a basic necessity for life and more than worth our investment.

The Farmers Feed Cities group is a reminder that agriculture and the rural economy are important to all Ontario. Currently, the sector receives only 0.7% of the

entire provincial budget. They're asking for 1.4% of the provincial budget. So it was extremely devastating when the Liberal government cut \$244 million from the agriculture budget.

Ontario farmers continue to be outraged that they are not just getting less, they're getting nothing, at a time when farmers are deciding whether they can afford to plant their crop for another year. Farmers of all sorts are paying the price for this government's misguided policies. The sad truth is that under Dalton McGuinty, Ontario farmers and rural communities are falling behind.

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## NORTHERN ECONOMY

**Mr. Gilles Bisson (Timmins–James Bay):** More devastating news in northern Ontario: Yet another employer has basically announced a shutdown in north-eastern Ontario. In this particular case, in the community of Smooth Rock Falls, Tembec, the kraft mill operation, the only employer in town, has announced they're going to be idling their plant as of July 31. It means the only employer in that community will be ceasing operations on July 31 and it has left that community completely devastated. Mayor Réjeanne Demeules and both the unions—the Canadian energy and paperworkers union and the Steelworkers—that represent the people in the community are absolutely devastated.

We need this government to take action. We need to do what we've been calling on this government to do now for two years, which they seem to not want to do, and that is, they have to become involved. They have to be at the table. They have to be working with the communities, working with the employers, working with the unions toward finding the solutions necessary to restructure industry so these types of closures can be averted, and specifically for Smooth Rock Falls, to make sure it doesn't happen.

I want to put this in some perspective for people. Imagine in Sault Ste. Marie every employer shutting down. Imagine in Thunder Bay every employer shutting down. Imagine in the city of Toronto every employer shutting down. I know that then the government would take action. Why are they not taking action for communities like Kenora, Smooth Rock Falls, Opatatika and others, which are losing their only employer and driving people away from their communities and the lives they've enjoyed for many generations now? This government must take action. Nothing short will be acceptable.

## STEVE STAVRO

**Mr. Brad Duguid (Scarborough Centre):** I rise today to pay tribute to one of this city's, province's and country's foremost sports and business entrepreneurs, Steve Stavro. At 78 years of age, Mr. Stavro passed away last Sunday.

Steve Stavro was a complex man of many passions. His family was an obvious one. The Stavro family was

part of everything he did. The grocery business was another. A dedicated philanthropist, Steve was awarded the Order of Canada for his work with charities. Last year he was inducted, as a Builder, into the Canadian Soccer Hall of Fame. The legendary Knob Hill Stables became his contribution to thoroughbred racing in this country.

But clearly one of Steve Stavro's greatest passions was the Toronto Maple Leafs. Steve Stavro took over the Maple Leaf organization at a time when they had lost respect for their rich heritage. One of the first things he did was bring back the retired numbers and hang them proudly from the Maple Leaf Gardens rafters. Under Stavro, the Leafs went from a club known for ignoring its alumni to one that showed honour and respect for those who wore the blue and white.

Although Steve Stavro never achieved his ultimate goal of winning the Stanley Cup, the Leafs became a perennial contender once again. In short, he returned dignity to the Toronto Maple Leafs.

On behalf of all members of this Legislature, on behalf of all Ontarians, I'd like to extend our condolences to his wife, Sally, and the entire Stavro family, including his daughters Connie, Debbie, Stephanie and Elaine.

I had the privilege of getting to know Steve Stavro over the years. His contribution to the sporting world, the business world and the province as a whole was significant. He'll be missed by us all.

#### NORTHERN ONTARIO DEVELOPMENT

**Mr. David Oraziatti (Sault Ste. Marie):** I'd like to take this opportunity to comment on some of the very recent successes in my riding of Sault Ste. Marie, which have resulted from our government's renewed commitment to northern Ontario. In three important areas, namely, infrastructure, environment and long-term care, my community has seen significant improvements.

Our crumbling infrastructure, which was completely neglected by past governments, is now being repaired and replaced through our \$30-billion ReNew Ontario program. In Sault Ste. Marie, just last week, we announced \$1.5 million for road construction to complete a very important project that's long overdue, and earlier this month, we provided \$14 million for additional road and bridge work.

Here's what our CAO had to say: "We are delighted with the news.... We are satisfied that the city has negotiated a fair arrangement with the province to improve these roads...."

When it comes to the environment and the protection of our water, we're also making important policy changes that are accompanied by the necessary financial resources to ensure we get the results we need for Ontarians. Over \$800,000 has been provided to our city to develop proper source water protection plans, and just last week we an-

nounced an additional \$205,000 for the conservation authority so they could continue their very important work.

Our long-term-care bed capacity in northern Ontario suffered considerably as a result of poor planning by the last government. Many beds in our hospital were regularly occupied by those who needed a long-term-care bed and did not have access to one. We've added 48 beds in our city, and last week we added 12 more to support our health needs.

Thanks to the commitment of this government, the issues we face in Sault Ste. Marie are finally getting the attention they deserve.

#### PROPERTY TAXATION

**Mr. Jeff Leal (Peterborough):** I rise in the House today to speak about this government's work in improving municipal property tax assessments. We're moving forward in that regard, having received the Ombudsman's recommendations. It's no secret that we inherited a machine from the Tories that has some problems. Don't take my word for it: The member from Renfrew-Nipissing-Pembroke has as much as said that they made a mistake and, what's more, he conceded that the Tories have no plan.

It was the members opposite who put the current assessment in place when they were in power, and what they created certainly isn't perfect. We understand the concerns of the average Ontarian and we're now here to make improvements.

In regard to the Ombudsman, 17 of the recommendations directed to MPAC are being done. There are five directed to the province; we have already said that we'll work on three. We want to get the remainder of the recommendations done right, and that's why we're consulting with everyone involved.

With respect to the relationship between the province and municipalities, I remind you that this government has begun to upload costs borne by municipalities—costs that were downloaded by members opposite. We're working towards a fairer cost sharing for land ambulance with our municipalities. We're also assuming a more equitable share of costs for public health.

It's unbelievable for the Conservatives to be criticizing our government's plan when they said that they don't have a policy. They're now looking for a policy but they won't have it until 2007. Well, we have a plan now.

Our government acknowledges that this is a big challenge. We have decided to tackle it in a meaningful and prudent fashion. The McGuinty government is committed to progress for all Ontarians, and that's why we're working towards a property tax assessment system that is both fair and equitable for all.



## INTRODUCTION OF BILLS

HUMAN RIGHTS CODE  
AMENDMENT ACT, 2006LOI DE 2006 MODIFIANT LE CODE  
DES DROITS DE LA PERSONNE

Mr. Bryant moved first reading of the following bill:

Bill 107, An Act to amend the Human Rights Code /  
Projet de loi 107, Loi modifiant le Code des droits de la  
personne.

**The Speaker (Hon. Michael A. Brown):** Is it the  
pleasure of the House that the motion carry? Carried.

Does the minister wish to make a brief statement?

**Hon. Michael Bryant (Attorney General):** I'm  
going to defer my remarks to ministerial statements.

## PRESCRIPTION MONITORING ACT, 2006

LOI DE 2006 SUR LA SURVEILLANCE  
PHARMACEUTIQUE

Mr. Ramal moved first reading of the following bill:

Bill 108, An Act to monitor the prescribing of certain  
drugs / Projet de loi 108, Loi visant à surveiller la  
prescription de certains médicaments.

**The Speaker (Hon. Michael A. Brown):** Is it the  
pleasure of the House that the motion carry? Carried.

The member may wish to make a brief statement.

**Mr. Khalil Ramal (London-Fanshawe):** Yesterday  
in the Toronto Star there was an article about a prominent  
Toronto psychiatrist who has been found guilty of  
professional misconduct for prescribing excessive  
amounts of narcotics for 23 patients. Over 14 months,  
this doctor prescribed for one patient more than 10,000  
pills. The patient died of an overdose.

Let me be clear: The vast majority of doctors and  
pharmacists prescribe—

**The Speaker:** Order. I need you just to provide an  
explanation of the bill. At this point we're not debating it.

**Mr. Ramal:** This bill will recommend proposing a  
monitor act to oversee the prescribing of narcotic drugs.  
Hopefully, when it comes back to debate, I'll get support  
from the House.

## VISITOR

**The Speaker (Hon. Michael A. Brown):** I would like  
to bring to the attention of the House a visitor, Gary Mal-  
kowski, the member for York East in the 35th Parlia-  
ment, who is in the Speaker's gallery. Welcome, Gary.

## MOTIONS

## HOUSE SITTINGS

**Hon. James J. Bradley (Minister of Tourism,  
minister responsible for seniors, Government House  
Leader):** I move that, pursuant to standing order 9(c)(i),  
the House shall meet from 6:45 p.m. to 9:30 p.m. on  
Wednesday, April 26, 2006, for the purpose of consider-  
ing government business.

**The Speaker (Hon. Michael A. Brown):** Mr. Bradley  
has moved government notice of motion number 114. Is  
it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

*The division bells rang from 1351 to 1356.*

**The Speaker:** All those in favour will please rise one  
at a time and be recognized by the Clerk.

## Ayes

Amott, Ted  
Arthurs, Wayne  
Barrett, Toby  
Bartolucci, Rick  
Bentley, Christopher  
Berardinetti, Lorenzo  
Bountrogianni, Marie  
Bradley, James J.  
Brotten, Laurel C.  
Brownell, Jim  
Bryant, Michael  
Colle, Mike  
Cordiano, Joseph  
Crozier, Bruce  
Delaney, Bob  
Di Cocco, Caroline  
Dombrowsky, Leona  
Duguid, Brad  
Duncan, Dwight  
Elliott, Christine  
Flynn, Kevin Daniel

Fonseca, Peter  
Hardeman, Ernie  
Hudak, Tim  
Jeffrey, Linda  
Klees, Frank  
Kular, Kuldeep  
Leal, Jeff  
Levac, Dave  
MacLeod, Lisa  
Marsales, Judy  
Martiniuk, Gerry  
Matthews, Deborah  
McMeekin, Ted  
McNeely, Phil  
Meilleur, Madeleine  
Miller, Norm  
Mitchell, Carol  
Mossop, Jennifer F.  
Munro, Julia  
O'Toole, John  
Oraziotti, David

Ouellette, Jerry J.  
Peters, Steve  
Phillips, Gerry  
Pupatello, Sandra  
Racco, Mario G.  
Ramal, Khalil  
Ramsay, David  
Runciman, Robert W.  
Ruprecht, Tony  
Sandals, Liz  
Smith, Monique  
Sorbara, Gregory S.  
Takhar, Harinder S.  
Van Bommel, Maria  
Watson, Jim  
Witmer, Elizabeth  
Wong, Tony C.  
Wynne, Kathleen O.  
Yakubski, John

**The Speaker:** All those opposed will please rise one  
at a time and be recognized by the Clerk.

## Nays

Bisson, Gilles  
Horwath, Andrea

Kormos, Peter  
Marchese, Rosario

Prue, Michael  
Tabuns, Peter

**The Clerk of the Assembly (Mr. Claude L.  
DesRosiers):** The ayes are 61; the nays are 6.

**The Speaker:** I declare the motion carried.

## VISITORS

**Hon. Mike Colle (Minister of Citizenship and  
Immigration):** On a point of order, Mr. Speaker: With us  
today we have the grandparents of our page Vanessa Sid-  
well from the riding of Eglinton-Lawrence, Judy and  
Francis Purcell from the sensational city of Stratford  
Ontario. Also Vanessa's mom, Suzanne Sidwell, and  
Vanessa's brother, Grahame, are here from Eglinton-  
Lawrence.

## STATEMENTS BY THE MINISTRY AND RESPONSES

### HUMAN RIGHTS SYSTEM SYSTÈME DES DROITS DE LA PERSONNE

**Hon. Michael Bryant (Attorney General):** Today, on behalf of the McGuinty government, I'm introducing legislation to modernize Ontario's human rights system. It's the first such change to our human rights system since its inception in 1962. This is a very proud moment for this government. We are proposing to make our human rights system stronger, faster and more effective, to better serve the people of our province.

I'd like to begin by acknowledging many people in the gallery today: the chief commissioner of the Ontario Human Rights Commission, Barbara Hall; chair of the Human Rights Tribunal of Ontario, Michael Gottheil; along with leaders, representatives and champions from community groups, the disability community and the legal community, including past human rights commissioner Raj Anand. Welcome to all of you.

Right now, it can take four to five years for a human rights complaint to go through the full complaints process, from intake, to witness interviews, to referral to the tribunal, to resolution. That's not acceptable to this government and it's not acceptable to the people of Ontario. The system is broken, and we in this Legislature have an opportunity to fix it.

The Human Rights Code Amendment Act, 2006, if passed, would strengthen Ontario's human rights commission. Complaints of discrimination would be filed directly with an enhanced Human Rights Tribunal of Ontario. It would improve access to justice for those who have faced discrimination and increase protection for the vulnerable. Under this legislation, the human rights commission, headed by Barbara Hall, would become an even stronger champion of human rights. The newly enhanced commission would be a proactive body focused on public education, promotion, research and analysis to prevent discrimination.

The commission would still have a critical role in the resolution of complaints. It would have the ability to intervene in or initiate complaints on systemic issues affecting the public interest before the tribunal. In this way, the commission's time-honoured roles of identifying systemic issues and bringing those issues before the tribunal would not only be maintained but enhanced.

A new anti-racism secretariat and a new disability rights secretariat would be established within the human rights commission to ensure that Ontario and the Ontario Human Rights Commission entrench its long-standing commitment to addressing inequality in historically disadvantaged communities.

Earlier in our mandate, our government created an accessibility directorate to develop and enforce accessibility standards under the Accessibility for Ontarians with Disabilities Act. That directorate will be using an

approach to ensure that, within a reasonable period of time, all Ontario service providers and employers comply with these accessibility standards across the province. But if an individual Ontarian with a disability feels discriminated against in housing, employment or in any of the protected areas under the Human Rights Code system proposed today, he or she, with the support of the human rights legal support centre—more on that in a moment—would be able to seek justice directly by applying to the Human Rights Tribunal of Ontario. This direct access to individual human rights remedies, firmly anchored by the legal support centre, is a major advance for people with disabilities and indeed anybody suffering from discrimination.

Under the proposed reforms, a new complaints process would be created. Currently, fewer than 10% of complainants have an opportunity to have their case heard by an independent adjudicator at the human rights tribunal. Under the proposed system, all applicants would have that opportunity. The Human Rights Tribunal of Ontario would receive applications directly and would be responsible for accepting, dismissing, mediating, resolving and adjudicating complaints of discrimination. In other words, we're proposing to shorten the pipeline from complaint to resolution by putting people at the front of the line with direct access to the human rights tribunal. The tribunal would be provided with updated and enhanced statutory powers to determine its own practices and procedures to resolve disputes fairly, quickly and effectively, and to provide for compensation for human rights violations.

Under the proposed legislation, the complaint would be filed with the tribunal. The tribunal would engage in a fact-gathering process to assist the parties to resolve their dispute. The tribunal would assess evidence in an open and transparent process in which the parties would participate directly. The tribunal would have the capacity to ensure that all relevant evidence is before it and would be able to compel parties to provide this information within set time limits. Claims would no longer take years and years to move forward.

Michael Gottheil, chair of the Human Rights Tribunal of Ontario, will be charged with the task of developing the framework and the procedures for the tribunal. During the development process he will be consulting with stakeholders and be part of the ministry's implementation advisory committee, composed of ministry, human rights commission and human rights tribunal staff, along with all stakeholders.

For the past 40 years, since 1962, when this system was first introduced into this Legislature by Premier Robarts, there have been two pillars to our human rights system: the commission and the tribunal. Today, with this bill, we would add a third pillar to the human rights system: full access to legal assistance. We would establish a new human rights legal support centre to provide information, support, advice, assistance and legal representation for those who are seeking a remedy before



the tribunal. This would be a vast improvement over the current system that has been operating for some time.

All Ontarians are grateful to and proud of the hard-working, dedicated professionals who work within the human rights commission and the human rights tribunal today. I want to pay tribute to all of them—the experience and expertise that they have brought to our system and that they will bring to our system in the years to come. But they are working in a system that has seen no changes or updates in more than 40 years. Currently, commission counsel do not act for complainants; they act as representatives of the public. That is the way the statute has set out their role. A complainant only receives legal support in the current system if they retain their own lawyer at their own expense.

Under the proposed legislation, a streamlined and effective process at the tribunal would work with the parties to resolve disputes quickly and effectively. More-over—

**Mr. Peter Kormos (Niagara Centre):** He's a hair away from Harnicking.

**Hon. Mr. Bryant:** I think the justice critic for the third party will want to hear this, because he called for this before.

We would ensure that, regardless of levels of income, abilities, disabilities or personal circumstances, all Ontarians would be entitled to share in receiving equal and effective protection of human rights, and all will receive that full legal representation.

L'Ontario fait preuve depuis longtemps de leadership dans la protection des droits de la personne.

Le système actuel date de 1962, lorsque l'Ontario a adopté le premier Code des droits de la personne au Canada. Nous montrons l'exemple dans le soutien des droits de la personne, et nous entendons continuer.

Historically, Ontario has led the way in protecting human rights. The human rights system that was set up in 1962, in fact, was leading Canada at the time. But a human rights system that's more than four decades old is no longer serving the public in a way that meets the realities of our diverse multicultural society.

1410

As soon as our government took office and as soon as I became responsible for the human rights system in the government, I heard calls for change. They had been coming for some time.

Last spring the ministry met with individuals and organizations in the fields of human rights and administrative justice to learn as much as possible about what is working well and what could be improved. Participants were universal in their call for change and in their desire to see the human rights system strengthened. They specifically noted the delays in the processing of discrimination complaints. Five years to remedy an injustice is unacceptable. We were told again and again that reforms were long overdue. We listened, and today we're taking action.

This legislation is the culmination of perhaps more study and consultation than ever before in the history of

this Legislature. The former NDP government commissioned an excellent task force to review the human rights system. The Cornish report has been sitting on the shelf since 1992, and matters have only gotten worse; they have not gotten better. The prescriptions and the problems have gotten worse; they have not gotten better.

The need for reform has increased over the years. We owe the author of that report, which inspired these proposals, Mary Cornish, a great public debt. I know the key recommendations in her report are really the inspiration for these reforms. We would like to acknowledge that work, and acknowledge the great report and task force she put forward that we are seeking to implement today. Thank you, Ms. Cornish.

It was the same story in 2001, when the La Forest report by former Supreme Court of Canada Justice Gérard La Forest came down. Again nothing changed.

Reviews, reports and consultations over the past several years have been strongly urged. The United Nations Human Rights Committee expressed again and again that these recommendations had to be acted upon. The Human Rights Committee of the United Nations recommended that "human rights legislation should be amended at federal, provincial and territorial levels and its legal system enhanced, so that all victims of discrimination have full and effective access to a competent tribunal and to an effective remedy." That was in 1999, and still nothing happened.

I am proud and pleased that we finally have legislation before this House right now that heeds the call for reform that has been in place throughout the entire political careers of every MPP in this House today. With this introduction of the bill, we are seeking to advance the debate. We need to continue to have public debate and consultation. That must continue. We will continue to meet with those in the human rights community to get their input as the bill progresses through the Legislature, and I look forward to province-wide public hearings on this bill to take place as soon as possible.

Our proposed legislation for reform is a great opportunity. I say to all people who have been involved in this debate, "I thank you." We will shorten the pipeline by putting people at the front of the line. We're resolved to act. The opportunity for change is finally here.

I urge all members of this assembly to join me in seizing this opportunity to finally improve and modernize our human rights system.

#### WOMEN IN SKILLED TRADES

**Hon. Sandra Pupatello (Minister of Education, minister responsible for women's issues):** As minister responsible for women's issues, I rise today to reaffirm our government's commitment to promoting economic independence for women in Ontario.

Building strong communities depends on giving women the opportunity to secure sustainable and rewarding jobs in high-growth sectors. It's only when all members of our society participate fully in all aspects of the cultural,



social and economic life in this province that we can call ourselves a truly democratic and just society.

Through the Ontario Women's Directorate, the government has a number of innovative programs designed to give women the opportunity to achieve this full participation. I am pleased today to announce a \$1.5-million investment in one of these programs.

It may be a little out of order, but I brought you the WIST construction hat, which we happily donned today at this program, the women in skilled trades program. I was going to wear the safety glasses as well, which was a requirement on the site; I think the safety glasses may actually be in order.

In any event, providing pre-apprenticeship training for low-income women who are unemployed or underemployed: This investment means up to 145 women will receive instruction in fields such as carpentry, welding, electrical work, building construction and facilities maintenance.

This morning I had the pleasure to visit one of the colleges that receives funding through the program, Conestoga College in Guelph. Congratulations to the Guelph campus. I saw first-hand the practical skills that women enrolled in this program have gained. But I saw something more important as well. First of all, I saw a young woman who works as a carpenter and does a tremendous job. She had just received her first thank-you letter from homeowners for her renovation job in their home.

Our government believes all women should share this sense of confidence and determination. These women I met this morning are acting as wonderful young women, strong mentors for our young girls. As we have said repeatedly, our job is to build strong young girls, and with today's \$1.5-million investment in these non-traditional programs, we are achieving just that.

We want to see women thrive, even in fields once thought of as solely the domain of men. What would my dad, a carpenter, have said at this morning's announcement, to see those tremendous women doing tremendous work? They even left a little bit of work for me to do with a hammer and a nail, although I must say they made it easy. They put the nail in halfway, so I didn't really even need to hold it, just to finish hammering it in. I thought they might have left me a little bit more of a challenge today.

But here's our goal: to see more women working at construction sites; to see more women as police officers and leaders; to see women sitting at the head of corporate boardrooms.

Too often the focus is on one aspect, the tragic incidents we unfortunately need to face every day, but our government, with a comprehensive \$68-million domestic violence action plan, is determined to make a difference in the lives of women, and every day we are seeing tremendous examples of this.

So to the women I met in Guelph today, and to the women who are working all over different campuses that we announced today, I say a very hearty congratulations.

We are extremely pleased that the women-in-skilled-trades program is off and running and seeing success year after year. I want to tell you as well that the success rates of jobs once they finish this training is exceptional. Congratulations to all the new carpenters, welders, electrical—you go, girl.

## HUMAN RIGHTS SYSTEM

**Mrs. Christine Elliott (Whitby-Ajax):** I'm pleased to stand in the House today to speak for my colleagues in the PC caucus and to relay to you some of the concerns we have regarding the human rights reform legislation introduced today by the Attorney General.

We are certainly in agreement that the current state of the Ontario Human Rights Commission needs to be addressed. The inefficiencies that exist in the system must no doubt be remedied to provide a more effective forum in which Ontarians can freely be heard. However, the solution tabled today by the McGuinty government once again proves that this government is not keeping its promises and is not listening to Ontarians.

It should be obvious that shifting the volume of complainants from the commission directly down the line to the tribunal does not really solve the problem of the backlogs that the commission is currently dealing with. Not only is there no alleviation of weight from the overall system, the new proposed changes will compromise and marginalize the rights of complainants.

Complainants who find themselves without means to pursue legal representation—legal representation that is now accessible through the commission—will either be forced to drop their concerns because they cannot afford to voice them or will be forced to get in line at the less-accountable legal clinic that will not have the commission's statutory public investigation powers the minister is proposing as part of his solution.

Furthermore, it's unclear how this clinic would even operate efficiently. It simply will not be able to represent 2,400 complainants at hearings every year unless it gets massive new funding. The justice sector budget is flat-lined every year under Liberal planning to at least 2008-09. Where is the money that's going to guarantee equal treatment of all complainants? The current commission is an agency that is accountable to the Legislature through the Attorney General. Why are you suggesting that this more veiled approach is the answer?

**1420**

The Accessibility for Ontarians with Disabilities Act Alliance, a group that represents two million Ontarians living with disabilities, not only believes that your proposed legislation is insufficient to address the needs of the human rights complainants, but believes that it will worsen the situation. This is an organization with which the McGuinty government has now broken faith.

When this group was established in 2005, they did not push for a new and independent enforcement agency because they expected the commission to play that role. In fact, the Premier told them that a separate body would



not be required. Furthermore, the Attorney General committed to giving this organization 48 hours' notice before the introduction of any bill regarding human rights into the Legislature, but they have only received 24 hours' notice.

It seems that the McGuinty government's trend of broken promises continues. You have again demonstrated that you are not committed to listening to Ontarians, as interested parties firmly believe that you did not consult with them adequately before the introduction of this legislation. These are organizations that represent millions of Ontarians, organizations like the MS society, the Canadian Association of Retired Persons, the Canadian Hearing Society, Community Living Ontario, and the HIV and AIDS Legal Clinic Ontario.

We hope that, given the concerns we have addressed, the minister will at least keep one promise and have transparent, accessible and open consultations regarding this legislation with all interested parties.

### WOMEN IN SKILLED TRADES

**Mrs. Elizabeth Witmer (Kitchener-Waterloo):** I'm pleased to respond on behalf of the Progressive Conservative caucus regarding the announcement today. I'm very pleased, although it was not acknowledged by the minister, that this is a program that was started by my colleague the Honourable Dianne Cunningham when she was minister responsible for women's issues. In fact, the program was started in 1999 with \$5.8 million in funding, and I think it's important that it was the first program of its kind in Canada.

We had two goals in mind: We wanted to help more women to become skilled tradespeople and we wanted to address the key skills shortages in the labour market. It was very important for us to put this program in place to create economic opportunities for women. That was a key priority that we had at that time, because we know that the skilled trades represent stable, well-paying careers for women. Yet until we introduced that program, there were very few women who were employed in the skilled trades.

So I compliment my colleague Dianne Cunningham and our government for having the foresight. I'm glad that this government is moving forward and building on our initiative.

### HUMAN RIGHTS SYSTEM

**Mr. Peter Kormos (Niagara Centre):** In response to the Attorney General, I can say to him and this House that New Democrats simply don't buy it, nor do a whole lot of people out there across Ontario who are angry and frustrated today because they have been left out. These are the very people who rely upon the human rights commission and use it every day. You ignored them. You slammed the door in their faces when they wanted to be consulted and part of the process.

Who are these people? They're groups like the Urban Alliance on Race Relations; Canada's Association for the

Fifty Plus; the MS society; the League for Human Rights of B'nai Brith Canada; Disabled Women's Network Ontario; Chinese Canadian National Council, Toronto chapter; National Anti-Racism Council of Canada; African-Canadian, South Asian, and Metro Toronto Chinese and Southeast Asian legal clinics; the Accessibility for Ontarians with Disabilities Act Alliance.

You ignored them; you treated them with disdain and disregard. They're concerned about your privatization of the services of what will be left of the human rights tribunal because, you see, the commission isn't being strengthened; you're gutting it, you're abandoning it and you're destroying it.

These folks, just like New Democrats, are concerned that you're following the same path as British Columbia, which introduced legislative reforms just like yours some three years back, and now is suffering under a gigantic, even huger backlog. They're concerned, like New Democrats are concerned, about giving powers of investigation to the same tribunal that will decide whether those claims have merit. What about conflict of interest? It's so fundamental, Attorney General, that it should have been at the forefront of your mind. These folks, as are we, are concerned about the lack of firm legislative timelines that guarantee that complaints are heard and remedied in a reasonable time.

Attorney General, you should have stood up today and announced a clear plan for more funding, resources and staffing at the commission and the tribunal. You should have stood up today and announced that the commission and tribunal will be made truly independent bodies, free from your direct supervision. You should have stood up today and announced that the human rights commissioner will be an officer of this assembly and not a partisan political appointment by you and your government, who has no accountability to this chamber.

I tell you that New Democrats are very clear in terms of what we'll be monitoring over the course of examining and analyzing this legislation, and yes, you're darned right there are going to be public hearings. There are going to be extensive public hearings. There aren't going to be 10- and 15-minute time slots where you can wave people out of the committee room after giving them short shrift. There'd better be meaningful hearings with full consultation, full discussion, and this bill better not come back to the House after second reading in committee until that committee process is thorough and complete.

I say to you that you'd better ensure that there's adequate funding for all aspects of the tribunal and a healthy commission. Don't you understand, Attorney General? That commission resolves 48% of all complaints through mediation alone. That's incredibly low-cost, efficient and effective. That's the very same commission that you're shutting down. You're forcing people into what you call direct access. I have no doubt that you and your private lawyer friends think this is a good plan, but I tell you, people affected by discrimination, whose lives are impacted by discrimination on a daily basis, know that it's wrong-headed and ineffective. Quite



frankly, it's a process that's going to deny them access to a tribunal and access to any justice or fairness.

The public prosecution of complaints is essential; it's critical. I tell you that your privatization of the prosecution of complaints is going to leave huge numbers of people out of the tribunal system and you're going to deny them any justice, any access, any remedies. Your barriers to participation in the process are aggravated by your barriers that you're creating to participation in human rights processes at the tribunal. I say to you, Attorney General, you shouldn't be proud today; you should be ashamed. We're going to be on top of this one, following it all the way.

### WOMEN IN SKILLED TRADES

**Ms. Andrea Horwath (Hamilton East):** I'm pleased to respond to the minister responsible for women's issues and this helpful but really quite small and inadequate announcement that adds up to about 21 cents per woman in the province of Ontario. I'm quite surprised, because the minister is taking time in this important part of the agenda to announce such a disappointing announcement. It's really not got anything to do with the issues that women care about in the bigger scheme of things. I have to tell you that although she claims that this government believes that all women share a sense of confidence, in reality, they've ignored the very issues that women need to be taken care of if they're going to have confidence in any kind of system. I'm talking about a child care plan in this province that this government refuses to fund—a \$300-million promise gone. What happened to Ontario's pride in providing child care? Those women who are taking these non-traditional trades are going to need child care if they're going to succeed in the workplace. What about affordable housing? Sixty-three units just does not cut it for women who need affordable housing for them and their families, for their children. That does not inspire confidence.

What else doesn't inspire confidence is your willingness to talk about a domestic violence plan, but not to fund it. Less than a third is simply inadequate. What about the national child benefit? Taking money from the poorest women—

**The Speaker (Hon. Michael A. Brown):** Thank you.

### ORAL QUESTIONS

#### HEALTH CARE

**Mrs. Elizabeth Witmer (Kitchener-Waterloo):** My question is for the Acting Premier. Acting Premier, despite the fact that your government claims to be reducing wait times, I would tell you the increasing number of letters that I'm receiving indicates your failure to keep that promise. Your Premier and your health minister claim that the wait time website—and you're

advertising it right now—is helping Ontarians. They tout the number of hits on the website as a record of that success. But the letters are telling me differently.

I have a letter here from a constituent whose mother has been told she will have to wait 10 weeks for uterine cancer surgery that her doctor recommended be done in four weeks. She writes: "We need financial support for operating room staff and surgical times. Referring to websites that give information about hospital wait times does nothing to actually help people access surgical times."

Acting Premier, when are you going to help people like this woman's mother, who needs surgery now?

1430

**Hon. Dwight Duncan (Minister of Finance, Chair of the Management Board of Cabinet):** Everything our government does is about people just like that woman. We would be the first to acknowledge that there is much to be done on this file, but we are proud too that, for the first time, we can actually track these things. Rather than suggest that the website and the information we're collecting is a waste of time and rather than refer simply to individual cases, which are compelling in and of themselves, we need to make sure we have a complete understanding, using numbers generated by an independent organization, to confirm whether in fact the policies that we're putting into place are working. We acknowledge that there continue to be challenges for individuals and families like this, and this government is about dealing with the challenges and problems those families face, because those families are our families.

**Mrs. Witmer:** The government keeps saying that they're the first ones to do it. I think they need to be honest and they need to acknowledge the fact that it was our party, our government, that built a province-wide computerized Cardiac Care Network that was able to reduce the wait times for surgery by half since 1996. So it was not the first time.

But I would just say to you that your website and your press releases are really cold comfort to Howard Poulter of Inglewood. He was diagnosed with a double groin hernia in December 2005. This is not a condition that you consider to be one of your five priorities. He was scheduled for surgery on February 28. On February 24 it was cancelled—not enough staff. On March 16 he was given March 28 as a date. On March 24 it was cancelled, again due to staff shortages. Three dates, three cancellations: What good is your website to Mr. Poulter, who still has no date after five months of waiting?

**Hon. Mr. Duncan:** Again I say to the member opposite that cases like Mr. Poulter's which she has cited trouble this government, and that's precisely why we're making the investments we're making. That's why we're concerned about your promise to cut \$2.5 billion out of health care. That's why this information being collected and analyzed is so important, because individuals like the ones she has cited and individuals like so many of us see in our constituency offices and have seen year in and year out—I don't imagine the member opposite, whom



I've always thought to be a thoughtful and constructive participant in these discussions, would suggest for a minute that we shouldn't be collecting this information, that we shouldn't be analyzing it and that we shouldn't be using it to determine if the actions we're taking and the money we're spending are addressing the problems. There are many people, too many people, who wait too long. We need to understand that and use this information properly—

**The Speaker (Hon. Michael A. Brown):** Thank you. Final supplementary.

**Mrs. Witmer:** First of all, to the acting Premier, it was our government that started collecting data through the Cardiac Care Network. We support this, and we think it's important. And by the way, we have never said we are going to take any money out of health care. We believe very, very strongly—in fact, our government has an outstanding record when it comes to health care reform. But I would say to you, people today are paying more, \$2.5 billion more, for health care and they are getting less.

I've got an example here of Glen Mullen. His daughter was injured in December. She was told she'd have to wait six months, to the end of August, to see an orthopaedic surgeon. She's also waiting to see a physiotherapist for treatment that the daughter desperately needs. Mr. Mullen says these wait times are completely unacceptable and that our health care system fails to address basic health care needs. What is your website, that you like to tout and your Premier likes—

**The Speaker:** Thank you. Response?

**Hon. Mr. Duncan:** That member should get into the future and not the past. Your record was abysmal. You closed hospitals, fired nurses, did not address the physician shortage. If that member and her party don't want to collect this kind of information, they're making a mistake, the same kind of mistake they made when they were in government, and that's the main reason they're over there today.

Now, let me read another quote from someone who I know is very familiar to the member, and that is the hospital CEO in the member's riding: Dennis Egan, president and CEO of the Grand River Hospital. "The challenge with these areas is that in the past, the hospital hasn't collected or maintained information on waiting times in these areas. We are working with surgeons in the region to build a system that will work to increase capacity for these surgeries at Grand River Hospital, therefore reducing wait times."

We are undoing the damage you did. We reject your \$2.5-billion planned cut to health care and we'll stand up for people—

**The Speaker:** Thank you. New question.

#### PUBLIC TRANSPORTATION

**Mr. John O'Toole (Durham):** My question is to the Minister of Transportation. Minister, you've set out on a journey that will be a rather rough road, in the formation

of the Greater Toronto Transportation Authority. It's not going to be a smooth ride, from all assessments. The Toronto Star article today by Ian Urquhart pretty well summed it up. He said it's given the power, under section 6, to promote, facilitate, coordinate—all these soft, fuzzy words—but at the same time it's lacking any real thrust in terms of funding. In fact, it's really a dysfunctional board, as you've set it up here. It says that the TTC will have the money but the GTTA will be responsible for recommendations on how to spend it. Glen Grunwald, who I think has given you some good advice, is saying that he's concerned about the lack of fiscal tools and financial responsibilities in this legislation.

Minister, the question is quite simple. Simply tell the people of Ontario who is going to pay and when and how much for this new superboard, the GTTA.

**Hon. Harinder S. Takhar (Minister of Transportation):** Let me say I was very proud to introduce the legislation for the Greater Toronto Transportation Authority in this House.

This is the situation and this is the legacy the previous government left. We have 5.5 million people who are living in the greater Toronto area and Hamilton. Our highways are at full capacity and there is congestion everywhere on the roads. In the next 20 to 25 years, we are expecting two million more cars on the roads. The travel times will double, so we need to move on this. We need to do something concrete, which the previous government didn't do. We need to come up with an integrated, seamless transit system and we need an organization that can actually deliver it. So we are creating the Greater Toronto Transportation Authority, which will be responsible for the integration of a seamless transit system in this province.

**Mr. O'Toole:** Minister, the Premier responded to one of the questions yesterday that he was seized with the issue. It appears that this is another example where you're seized with inaction. You've made nine commitments publicly, you've had lots of photo ops, you've memorized pretty well the script that the ministry wrote for you, but you really don't have a plan, and that's ostensibly what this issue is about.

The GTTA, including Gord Perks, as well as Glen Grunwald—all of the leaders in this issue—realize that you've given them absolutely no power. In fact, if you look at the major sections of the bill, whether it's on the governance issue or with respect to the budget, you know yourself that you have not given them any authority. That's the real issue. You really made a lot of vacant promises again today and when you made the announcement. There's nothing in this bill to satisfy the needs, to resolve the issue you've addressed. What are you going to do to give this board real operating authority, or do you simply lack a plan to move forward?

**Hon. Mr. Takhar:** Actually, the member for Durham is repeating exactly what their government did. Let me just read a couple of comments from other people about the Greater Toronto Transportation Authority, and I will start with the chair of Durham region: "I look forward to



working with the minister as the legislation goes through the House. The coordination of transit systems across the regions and cities is an important part of smart growth.”

Let me tell you what the mayor of Hamilton said: “For Hamilton, the need for a GTTA is paramount for the efficient movement of people and goods. Managing our transportation needs requires planning and collaboration within a fiscally responsible and environmentally sustainable framework. The formation of the GTTA will move us in the right direction.”

Let me tell you what the chair of York region said: “I welcome today’s announcement of the Greater Toronto Transportation Authority. York region looks forward to working with all partners of the GTTA—”

**The Speaker (Hon. Michael A. Brown):** Thank you. Final supplementary.

1440

**Mr. O’Toole:** Minister, it sounded like what Ian Urquhart said this morning, that your vehicle has simply run out of the gas. In fact, if you look at it structurally, it’s dysfunctional. You’ve structured the governance body in such a way that none of the regions have any authority. Toronto has four votes, and your ministry actually has the two key positions and the key votes. In fact, you are the minister who actually, in cabinet, will approve their budget. They have no authority, they have no plan, they have no vision and they have no leadership. Minister, you’re missing. There’s nobody driving the bus. We’ve got gridlock; I recognize that. But what’s missing is that you have no plan.

Minister, just simplify the issue, the debate today, as we go forward on Bill 104. Tell the people of Ontario what it’s actually going to do besides plan, coordinate and facilitate. What’s your plan? You have no plan. Let’s hear it today. Go off the script for a moment, just drop the script and tell us how to solve this problem.

**Hon. Mr. Takhar:** There’s nobody to drive the bus because they never provided any funding for the buses. That’s exactly what happened. For years and years they didn’t provide any money for transit. They basically messed it up. Let me tell you what the mayor of Mississauga said: “I just want to emphasize that the backlog which was created by the Harris government regarding transit will take a long time for the gas tax to address some of those issues.” They messed it up; they didn’t provide any funding.

But let me just compare it with the GTSB for a moment. They had a huge board, the Greater Toronto Services Board, and it didn’t work. You know it didn’t work. It didn’t have any focused mandate, either. It did everything from housing to transportation, so nothing worked. That’s why we don’t have—

**The Speaker:** Thank you. New question.

#### NUCLEAR SAFETY

**Mr. Howard Hampton (Kenora–Rainy River):** My question is for the Acting Premier. We know that the McGuinty government’s real energy plan is to spend \$40

billion on very expensive, unreliable and environmentally risky nuclear power plants. So today, on the 20th anniversary of the Chernobyl nuclear disaster, I believe the McGuinty government owes the people of Ontario some straight answers on nuclear power and the potential risks. Will the McGuinty government make public today any emergency plans, briefing notes or studies in its possession that assess the impact of a potential nuclear disaster on human health, the environment and the economy?

**Hon. Dwight Duncan (Minister of Finance, Chair of the Management Board of Cabinet):** Perhaps the member doesn’t realize that nuclear safety is regulated by the federal government. That being said, the member will know that there are six levels of nuclear incident in the world, 1, 2, 3, 4 and 5—excuse me, there are five—and throughout its history, Ontario has never had more than a level 2.

The Chernobyl incident was a horrible example of what can go wrong when a system isn’t properly run, maintained or regulated. In the case of our province’s history, we have a history of well maintained and properly regulated nuclear assets. I’m sure the member opposite wouldn’t suggest for a moment that we are in danger of a Chernobyl type of situation. I’m sure the member would not want to be fearmongering, given our 40-year history. I would invite the member, as we begin the debate —

**The Speaker (Hon. Michael A. Brown):** Thank you. Supplementary.

*Interjection.*

**The Speaker:** Minister. It’s necessary to sit down when I stand up.

*Interjection.*

**The Speaker:** Stop the clock. Supplementary.

**Mr. Hampton:** One of the realities of life is that accidents happen. Before people buy a car, they check out the safety record or the safety rating of the car, because you want to know what happens in case of an accident. The McGuinty government wants to spend \$40 billion on mega nuclear power plants. We believe the people of Ontario have a right to know what happens if there’s a nuclear accident, because, as I say, regrettably, accidents happen. Will the McGuinty government make public all information in its possession about what impact a nuclear accident would have on human health, the environment and the economy?

**Hon. Mr. Duncan:** The member opposite is presupposing that a decision has been made on new nuclear power, and he knows full well that, in spite of his intention to fearmonger, that decision has not been made. The member would also understand there are environmental assessment processes which would consider these questions. The member would also understand that before a nuclear decision could even be contemplated, the federal nuclear regulating agency has a whole series of processes available to it that are designed in fact to assess these very issues. That’s why it will take somewhere between seven and 10 years, if Ontario were to make the decision



to do new nuclear or indeed even to refurbish on existing sites. Those processes are in place. The history is there.

The member is right that accidents do happen. There's no question about that. But I say to the member, the history is solid. The processes are there in place to assess. To suggest that these decisions have been made or that there's no opportunity to discuss them in a full and meaningful way, with factual information—

**The Speaker:** Thank you, Minister. Final supplementary.

**Mr. Hampton:** It seems that either the McGuinty government hasn't done its homework on this issue or you don't want this information in the hands of the public. Either way, the people of Ontario deserve better before you embark on a \$40-billion nuclear mega project scheme.

Energy Probe's Tom Adams says Ontario has had "two near misses at the Pickering nuclear power plant that should have deterred any government from considering nuclear power any further." So I ask my question again: Will the McGuinty government make public all information in its possession regarding the impact of a nuclear accident on human health, the environment and the economy?

**Hon. Mr. Duncan:** That information is well known, well understood and well publicized, I think, by the vast majority of Ontarians. Maybe the member opposite sees some benefit in this type of questioning.

Let me say this: I don't put a lot of faith in Mr. Adams's views on nuclear power.

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** He's been opposed to everything.

**Hon. Mr. Duncan:** He's been opposed to everything. That's right. Unlike you, we don't want to triple the price of electricity in this province. That's what your plan's about. That's what you're saying.

There has been no decision made on new nuclear or the redevelopment of existing nuclear. There is a public debate that has begun. We look forward to that, working through the environmental assessment processes, working with the federal regulator, working, by the way, with the United Nations Atomic Energy Commission, which also tracks this. That information is well available to members and to all people of this province. The debate is open, it's clear, it's tough. We're going to come to terms with it. The member opposite may deal in fiction all he wants, but I can assure you this government will do—

**The Speaker:** Thank you. New question.

**Mr. Hampton:** To the Acting Premier: The MPP for Pickering-Ajax-Uxbridge understands nuclear power's grave risks. Earlier this month, he told this Legislature about his experience as mayor of Pickering, of getting warning calls about big problems at the Pickering nuclear plants. He said that experience has led him to support a new emergency management act, because he believes "something of that magnitude will require ... a Premier or the cabinet to be able to declare an emergency in a large

area." Your own member, the former mayor of Pickering, is concerned about the risks of nuclear power.

I simply ask: If he's concerned, will you table all reports, any studies, any information, any emergency plans to deal with a potential nuclear accident?

1450

**Hon. Mr. Duncan:** The member referred to is my parliamentary assistant, who I know is a great supporter of nuclear power, and yes, he is a great supporter of proper accountability in emergency situations. That's why he supported the emergency measures bill that we brought in and that you, sir, voted against.

I remind the member opposite that in fact these discussions were held. Many of the protocols are available in public already, not only through the government of Ontario but, more importantly, through the nuclear regulator that files annual reports, not only in Ottawa but also with the United Nations. I would invite the member to start looking for those things. They're quite available, they're quite public, and I'm not going to do your work for you.

What I am going to do is ensure that we have a rational discussion about this, that we ensure, if a decision is made for new nuclear refurbishment, that we have the proper measures in place. We brought forward legislation. You voted against it. Our legislation was the right step, and we're going to continue to ensure the health and safety—

**The Speaker:** Thank you. Supplementary?

**Mr. Hampton:** What's puzzling here is that the McGuinty government has the \$40-billion nuclear mega-project scheme, but when I ask you where the plans are to deal with a potential nuclear accident, you say that's somebody else's responsibility.

Even your community safety minister has concerns about risks of nuclear power. This is what he said: "When an emergency happens—it doesn't matter whether it's the avian flu, another pandemic of some sort ... a nuclear accident ... we have to respond immediately." So if you have a scheme for \$40 billion of nuclear power plants, I'm simply asking you today, where are the studies, where are the plans, where are the assessments of what would happen in the case of a nuclear accident?

**Hon. Mr. Duncan:** First of all, the member is presupposing that a decision has been taken. I don't know where he gets the \$40-billion figure.

**Hon. Michael Bryant (Attorney General):** They make it up.

**Hon. Mr. Duncan:** He does. He makes it up. He just makes it up. There's no validity, no balance. There's nobody outside of that member's research office who will confirm that number.

There's no doubt that this government does worry about nuclear safety. We are one of the largest operators of nuclear reactors in the world, and that's why we rely on the federal nuclear regulatory agency. That's why we rely on the United Nations. That's why we're at the forefront. If you look at our safety record, you'll find it's one of the best in the world, that we've never even gotten



close to a level 3 incident, in spite of what Mr. Adams and others may want to argue.

There has been, and there will continue to be as decisions are made, full public participation, environmental assessment, federal and international regulatory oversight. I'm satisfied that the system is proper—

**The Speaker:** Thank you. Final supplementary?

**Mr. Hampton:** The risk of nuclear power plants is one issue, and we see here that you don't want to provide an answer. The other question is the storage of all of the very toxic nuclear waste that those nuclear plants would generate. When we ask you where you are going to store the nuclear waste, your response is, "Well, that's someone else's responsibility too." That's like dumping your garbage in a public park and then saying it's somebody else's job to pick it up.

You are the one with the \$40-billion nuclear power scheme. You should have a plan, you should have the assessments, you should have the reports on what happens in the case of a nuclear accident. You should have a storage plan. Where is it? If you're a responsible government, where are the plans to deal with nuclear accidents and the storage of nuclear waste? And please don't say it's someone else's responsibility.

**Hon. Mr. Duncan:** Surely the member opposite is not suggesting that the operator of nuclear plants should be the one regulating the nuclear plants. That's exactly what he's saying. That's why the federal government regulates not only the operation but the disposal of nuclear waste.

The nuclear waste we have today is stored on-site, a policy that his government followed through on for five years. The federal government, quite properly, the federal regulator—and it should be regulated federally because we're the operator. That's a safety precaution. You don't want, as you had in Chernobyl, the operator acting as the regulator. That was part of the problem at Chernobyl. You probably don't read below the headlines, but if you read what happened, that's precisely why we have the motto we have in Canada.

So I reject his idea that the operator should be the regulator. I reject his notion that the provincial government should not be subject to scrutiny, not only by a federal regulator but by an international regulator. That's why we'll protect the safety of Ontarians, far more than—

**The Speaker:** Thank you. New question.

#### NATIVE LAND DISPUTE

**Mr. Toby Barrett (Haldimand–Norfolk–Brant):** To the Minister of Transportation: Caledonia and the surrounding area is experiencing traffic chaos as a result of the land dispute and the road blockades. As you would know, Minister, Caledonia's main thoroughfare, Argyle Street, is blocked. Provincial Highway 6 is blocked. We have some very serious transportation issues, and I limit my question to transportation. It's a very simple question. What are you doing, Minister of Transportation, to ensure the proper routing of traffic around Caledonia?

**Hon. Harinder S. Takhar (Minister of Transportation):** To the minister responsible for native affairs, please.

**Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs):** We are very concerned about the disruption of traffic flow into and around Caledonia. So are the OPP because of the curtailment, potentially, of emergency vehicles, police vehicles, when needed. The OPP have been having daily meetings with representatives from the Six Nations about this situation, and it's been going on there. It is also the prime topic of discussion in today's meeting, which has started already, to get the community back to normalcy. Removing the barricades and getting normal traffic flow is the first job of those discussions.

**Mr. Barrett:** Minister of Transportation, these are questions I'm getting from motorists, from truckers, from e-mails I'm getting. My questions solely focus on issues around signage; traffic routing; narrow back roads; the overloading of bridges; Nanticoke industrial park; there's a problem of access obviously down to Port Dover, Hagersville, Cayuga. Also, with respect, Minister, on signage: Many people don't realize that Caledonia is open for business.

Minister of Transportation, drivers are getting furious. It's a road issue. Why can you not present a comprehensive answer and an approach? At minimum, present a transportation plan to enable those of us in the area to accommodate these problems. It's a road question. I leave it with you. We're asking for a plan, Minister of Transportation.

**Hon. Mr. Ramsay:** I would assure—

**Mr. Barrett:** Wrong minister.

**Hon. Mr. Ramsay:** Well, I'm going to give you the answer, because this minister has been working with the OPP. MTO has installed temporary messaging signs all around this area, alerting people to what roads are closed at the moment, what routes are open, what are the best traffic flow options for them. I suggest maybe you drive around in your riding there. You would see these signs because they're up there and they're there for the people. We're working with the people, making sure they're informed as to what's the best routing. As I said to you, this is job one for us right now. We want to get the community back to normal operation, because that's what's good for both communities there and that's what we're working on.

1500

#### HEALTH CARE

**Mr. Howard Hampton (Kenora–Rainy River):** My question is to the Acting Premier. In his first budget, Dalton McGuinty hit working families with a very unfair, regressive health tax. Under that health tax, high-income people, people with an income of, say, \$500,000 a year, got hit with a 3% tax increase. But low-income people, people with incomes of \$30,000 a year, got hit with a punishing 24% tax increase. Now, in that context, can



you explain why, under the McGuinty government, low-income families, immigrants and aboriginals are paying more for health care, but according to the Ontario Health Quality Council they have less access to health care?

**Hon. Dwight Duncan (Minister of Finance, Chair of the Management Board of Cabinet):** The report that's out today suggests strongly that this government is, in fact, going in the right direction in health care. First of all, we're measuring wait times. Second of all, we're identifying those priority areas. Third of all, by our investments we're ensuring public health care in Ontario that's open and accessible to all the people of this province, regardless of their income level. That record involves reducing wait times on such important procedures as cardiac surgeries. Cancer wait times, region by region, are down. The investments that we've made, the \$2.6 billion from the health premium, have been invested in those wait times. They're coming down. The government acknowledges that there's more to do, the government acknowledges that the challenges are great, but this government remains committed to public health care and to ensuring that all people have equal and fair access to the health care system that we—

**The Speaker (Hon. Michael A. Brown):** Thank you. Supplementary.

**Mr. Hampton:** Acting Premier, here's the report. It makes it very clear that under the McGuinty government, the lowest-income Ontarians are having less access to health care than in the past.

One of the things that Mr. McGuinty did in his first budget was he cut optometry services, delisted optometry services. When he did it, he promised that no one who needed eye exams for medical reasons would have to go without. So how does the McGuinty government explain the Ontario Health Quality Council's finding that half of Ontario's newly diagnosed diabetics aren't getting eye exams within a year, even though they are supposed to get them and they need to get them in order to prevent blindness?

**Hon. Mr. Duncan:** First of all, the member neglects to answer that that number hasn't changed since we took office; that's number one. So we want to make sure we get all the facts. In terms of those who are in most need, there are 22 new health care centres that serve underserved and poorer communities. Aboriginal communities and other at-risk communities like Malvern and others are getting these community health centres, which you voted against.

I'd remind the member opposite that his party cut \$268 million from hospitals in 1994-95. You cut funding to OHIP by \$315 million. You, sir, voted for that. Mental health: That member voted for a \$23.5-million cut in 1992-93, and you voted for a \$42.4-million cut to mental health in 1994-95. You voted to cut the Ontario drug benefit. You hurt the poorest—

**The Speaker:** Thank you. New question.

## SOFTWOOD LUMBER

**Ms. Monique M. Smith (Nipissing):** My question is for the Minister of Natural Resources. Minister, there's been a lot of speculation in the last few days of a deal on softwood lumber. As you know, Tembec is a major employer in my area and an important corporate citizen, and of course forestry is so very vitally important to all of the north. News stories are starting to emerge this afternoon that a deal has been reached in the softwood lumber dispute. Can you tell us anything about the details?

**Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs):** We are hearing, through our negotiators who are representing Ontario and are in Washington today and have been involved in the last couple of days in discussions, that there is a framework arrangement agreed to between Canada and the United States. It looks to be particularly disadvantageous to Ontario, despite Ontario's stressing to the Canadian ambassador that the volume of the quota that will come needs to be based on our historical trading patterns with the United States, which would bring us anywhere from 10% to 12%. It looks like it's something below 10%. This will have a negative impact on our northern communities.

**Ms. Smith:** Minister, this is very discouraging and disturbing to our northern communities. You have described this agreement as being disadvantageous to Ontario. Can you explain a little bit how this will impact on our communities in the north that are so dependent on this industry?

**Hon. Mr. Ramsay:** What this means is that we could see more downsizing in our mills, because we've now had our ability to export lumber into the United States restricted by an agreement that the federal government has signed on to. I would say to the members here that the McGuinty government stands for Ontario, stands for the Ontario industry, and we will not sign on to an agreement that puts Ontario at a disadvantage.

## PROPERTY TAXATION

**Mr. Tim Hudak (Erie-Lincoln):** A question for the Deputy Premier: Two months ago, Premier McGuinty told the Ottawa Citizen that he would not address skyrocketing property assessments because he "didn't run on it." Of course, the minister knows that Dalton McGuinty didn't exactly run on pit bull bans or tax hikes or abolishing the Senate either. Now Dalton McGuinty finally says that his government is suddenly seized with the issue. Small wonder. There's a growing and increasingly powerful coalition of taxpayer groups, seniors' associations and municipalities getting behind caps on increased property assessments. The latest is CAPTR, the Coalition After Property Tax Reform, holding a press conference tomorrow. I hope the minister will take time to attend. Minister, will you entertain CAPTR's proposal to cap assessment increases at 5% per year?



**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** "Please fix the problem we created."

**Hon. Dwight Duncan (Minister of Finance, Chair of the Management Board of Cabinet):** That's the question. "We created a problem. Now fix it." Yes, you're right, the Premier has looked hard at this issue and we found a huge mess with the property tax system, one that you left, one that you did not address meaningfully in eight years. I have said before, and I'll say it again, a cap on property taxes may in fact cause more problems than it solves. What we are saying—

**Hon. Sandra Pupatello (Minister of Education, minister responsible for women's issues):** How many bills did they have?

**Hon. Mr. Duncan:** It was I think eight bills; not one, not two, not three, not four, not five, not six, not seven, they had eight attempts and they didn't get it right.

The other thing is that MPAC is an expensive operation. I know the member's not suggesting that we should keep MPAC running and not use it, and pay for it. I know the member would like to reflect the views of other groups and other municipalities that are concerned about the capping recommendation. This is a difficult issue. We look forward to further discussions with the member opposite, with the opposition, and we look forward to meeting with the ratepayers' groups we have talked to already—

**The Speaker (Hon. Michael A. Brown):** Thank you. Supplementary.

**Mr. Hudak:** To an extent, like one of my colleagues once said, trying to track down Dalton McGuinty on the issue is like trying to nail Jell-O to the wall; he seems to be all over the place on this issue. I would point out that is—

**Mr. Howard Hampton (Kenora-Rainy River):** I said it first.

**Mr. Hudak:** I'll give Mr. Hampton credit for it. He was right.

Minister, I say with respect, you've had three years to address this issue. Dalton McGuinty said as soon as two months ago that he wasn't going to do anything about it. You in fact did, Minister, have one bill, and in that bill, you will recall, Bill 83, then-Finance Minister Sorbara indefinitely delayed assessment averaging. The minister knows full well that assessment averaging would have smoothed out the skyrocketing assessments for the last assessment. Does the minister now regret abolishing assessment averaging or is he bringing that back on the table like caps are back on the table?

**Hon. Mr. Duncan:** What I regret is that, if the member is so concerned, why didn't he do anything about it? Here's what his own local newspaper said, the Welland Tribune. The headline says, "Hudak's Party Created Tax Problem." Here's what his colleague John Yakabuski said, when asked if the former government under Harris bungled the property tax evaluation system, "Apparently so."

I would say, sir—

*Interjections.*

**Hon. Mr. Duncan:** "Apparently so" is absolutely right. Unlike the member opposite, we are looking at this in a constructive way. We want to get it right. It has caused too much uncertainty and too much anxiety. This requires a careful, thorough, thoughtful review. We're committed to that, and we're committed to get right what that member and his party didn't get right, not once, not twice, but eight times.

## LONG-TERM CARE

**Mr. Peter Kormos (Niagara Centre):** A question to the Acting Premier. Kathy Borisenko is co-chair of the family advisory council at Rapelje Lodge. She's a personal witness to the growing crisis of humiliation, boredom and ill health among Ontario seniors in long-term care. Her once-dignified father, Sam Dickson, in the final years of his life, had occasion to look up at her with tears running down his face, saying, "I had to go to the bathroom, but there was no one to take me." You see, Mr. Dickson had soiled himself.

Minister, during the election, you and Mr. McGuinty promised \$6,000 more per resident for things like basic personal care. When are you going to keep that promise?

1510

**Hon. Dwight Duncan (Minister of Finance, Chair of the Management Board of Cabinet):** I'll remind the member that we have indeed moved great steps to do that: First of all, a \$740-million, 35% increase since taking office, from \$2.1 billion to \$2.84 billion—\$151 million this year alone, 5.8%. Results to date: 2,334 new staff, including 472 new nursing positions on the way to our target of 600; a long list of other initiatives; new regulations—and I congratulate the member from Nipissing for all of her good work on this file—new regulation 205 for 24/7 RNs and two baths per week; increases to the comfort allowance for those most vulnerable in our long-term-care homes; freezing resident copayment fees until July 2006; and \$385,000 to support family and resident councils.

We acknowledge that there's much to do; we acknowledge that there's more that can be done. We're moving as quickly and prudently as we can to ensure that the—

**The Speaker (Hon. Michael A. Brown):** Thank you. Supplementary.

**Mr. Kormos:** Sir, you had a \$3-billion windfall in unexpected revenue and you chose to dedicate \$1.2 billion of it to accelerating a tax break for banks and insurance companies.

At Rapelje Lodge and across Ontario, seniors "wind up in wheelchairs, not able to move, not able to dress themselves, not able to eat." They're not getting the \$6,000 per senior that you promised. They're not getting the daily hours of personal care that you promised. Nurses and personal support workers are stretched to the limit, and you know it. And in Niagara, you cut the 3% inflationary funding increase in half, leaving Niagara with a \$860,000 budget shortfall.



Minister, when are you going to keep your promises to these seniors—our folks and grandfolks—who worked so hard and built so much in this province?

**Hon. Mr. Duncan:** We are keeping our promise, and we're keeping it in a way that no previous government has done. No government has put the interests of seniors in long-term-care homes or complex continuing care facilities higher on the agenda than this government has.

I have some personal knowledge of this. Both of my parents are in complex continuing care. The care they receive is outstanding. The amount of care they have has increased in the last three years. The type of care they get from dedicated RNAs and RNs is second to none anywhere in the world, I would suggest.

There is more to be done. We will not leave our seniors behind. We have invested more in health care. That government—his government—cut health care, and he voted for those cuts. He personally voted for them.

We're moving in the right direction. We have more to do—there will always be more to do—but we're doing it, and we're doing it better than anyone before us. We're proud of our record in long-term care.

#### PUBLIC TRANSPORTATION

**Mr. Tony C. Wong (Markham):** My question is for the Minister of Transportation. On Monday, I had the great pleasure of participating in yet another landmark McGuinty government announcement: the creation of the Greater Toronto Transportation Authority, or GTTA.

As a member of this government's 905 caucus, I am confident that the proposed legislation will benefit Markham commuters through coordinated fares and transit services. In the words of Markham Board of Trade president Keith Bray, "This initiative will have a huge"—and may I add positive—"impact on the long-term resolution of Markham's traffic issues. With a workforce that comes from all across the GTA and will continue to grow, we in Markham welcome this announcement."

Minister, could you please explain how this newly proposed Greater Toronto Transportation Authority will make commuting easier for people living in my riding of Markham and across the GTA?

**Hon. Harinder S. Takhar (Minister of Transportation):** Let me start by saying that congestion is a serious issue in the GTA area, and there are more people moving to the GTA, including the Markham area, which the member represents.

But this congestion didn't just happen. Let me just give you some numbers, what kind of money the previous government spent on transit. Maybe that will give some answers to the member from Durham, who, actually, has left the House. In 1995-96, when the previous government took over, spending on transit was \$666 million. In 1999 and 2000, the investment in transit was \$64.5 million—from \$666 million to \$64.5 million. In 2000 and 2001, it became \$38 million. This year we will be spending, without including GO Transit, around \$860 million on public transit.

**Mr. Wong:** As acknowledged in your speech at the Markham Board of Trade this past January, traffic congestion results in lost time, lower productivity and higher transportation costs for businesses. For employees, the stress of the daily commute on congested roads negatively affects the quality of their life and work. With the opening of the Milliken GO station in Markham, our investment of over \$14.8 million in York region public transit from October 2004 to 2006 through gas tax funding and, as announced in this year's budget, our \$1.2-billion investment in Move Ontario, this government has shown that we are committed to creating positive change for Markham's commuters and business community. In addition to these major investments, Minister, can you please tell my constituents what our government is doing to improve public transit.

**Hon. Mr. Takhar:** I want to thank the member from Markham for his question. He is absolutely right. We are spending \$1.2 billion in Move Ontario. But in addition to that, we're spending \$850 million in transit as well. When people travel from one place to another, they don't see municipal boundaries. They want to just travel from one place to another. They want to do so in a convenient and reliable manner. So our government's plan is to make sure that the municipalities can get together and develop a long-term plan that can address congestion on the highways. All we are concerned about is that people be able to travel in an integrated and seamless way from one place to another and that their travel time is reduced. That's what our objective is. That's why we created the Greater Toronto Transportation Authority. I'm very proud of the fact that this legislation is in front of the Legislature, and I look forward to everyone's support.

#### NORTHERN ONTARIO HERITAGE FUND

**Mr. Norm Miller (Parry Sound-Muskoka):** I have a question for the Minister of Northern Development and Mines. Minister, I note that the Premier made a rare trip to Thunder Bay today, to make an announcement. He announced \$2.2 million from the Northern Ontario Heritage Fund Corp., funding for a cancer and cardiac research centre. However, the local Liberal member, the MPP for Thunder Bay-Superior North, Michael Gravelle, disagrees with this kind of funding. I'd like to quote from Hansard. He said, "Certainly in reference to the northern Ontario heritage fund, I think it has become almost farcical how it is now being used by the government basically as a means to fund programs and services that may be very, very valuable but should be coming from the Ministry of Health." So my question is, why is the funding for this health project coming from the northern Ontario heritage fund; why not from the Ministry of Health?

**Hon. Rick Bartolucci (Minister of Northern Development and Mines):** The answer is very, very simple. It's because we've changed the mandate of the Northern Ontario Heritage Fund Corp. Do you know



what the previous government—the Harris-Eves government, the government in which this member from Parry Sound–Muskoka was the parliamentary assistant for the Minister of Northern Development and Mines—used to do? They funded golf courses, golf tournaments. They funded things that didn't create employment. When we took power, we decided that we would change the mandate of the Northern Ontario Heritage Fund Corp. to one that created prosperity in northern Ontario, that created jobs. That's why we funded that project.

**Mr. Miller:** Minister, surely you should have been able to find the funds. You're collecting an extra \$2.5 billion in your illegal health tax, so surely some of that could have been used for this.

This was a good-news announcement, but as usual there are very few details in the announcement. Can you give the time lines for when the research centre will open, how many years until the research centre opens?

*Interjections.*

**Hon. Mr. Bartolucci:** I don't know. I don't like it, but I want to know the details about it so that we can try to take credit for it, maybe.

Let me tell you what I will tell you. The Northern Ontario Heritage Fund Corp. with its changed mandate has to date approved \$151 million toward 571 projects in northern Ontario. Now sit back, member from Parry Sound–Muskoka, because, unlike you, we have created 5,607 total net direct jobs. That's direct jobs. Our contribution has leveraged \$506 million to the communities of northern Ontario. The member from Parry Sound–Muskoka may want to fund golf tournaments. They may want to return to the old way. We want to create jobs.

1520

## ENVIRONMENTAL PROTECTION

**Ms. Andrea Horwath (Hamilton East):** My question is for the Minister of the Environment. Yesterday, ABP Recycling in Hamilton filed for a judicial review of your ministry's—

*Interjections.*

**Ms. Horwath:** Mr. Speaker, I'm trying to ask a question.

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Stop the clock. The member from Hamilton East has a point.

*Interjections.*

**The Speaker:** Order. I can wait.

*Interjection.*

**The Speaker:** Minister of Labour.

The member from Hamilton East.

**Ms. Horwath:** Thank you, Mr. Speaker, and I apologize if I was inappropriate in my remark a minute ago. It's an important issue for my community. Yesterday, ABP Recycling in Hamilton filed for a judicial review of your ministry's director's order. In that application, they stated that you actually have neither the authority nor the jurisdiction over their particular operations. Only due to the actions of the city of Hamilton, as you know, did your

ministry finally take action this past month on ABP's illegal wastewater dumping into our sewer system.

Minister, your ministry has already allowed ABP to operate for several years without a proper certificate of approval. I know you're aware of this. In this light, what are you doing to ensure that your director's order will stand and not be stayed during ABP's appeal?

**Hon. Laurel C. Broten (Minister of the Environment):** I think it is important for me to indicate clearly to the member opposite that absolutely every suggestion that a facility's activities may violate the province's environmental laws is taken very seriously by my ministry. Based on information that was received and provided by the city staff, my ministry undertook an inspection of this facility. The ministry's inspection determined that the facility was undertaking some activities for which it did not have the requisite approvals from my ministry, and my ministry promptly ordered the facility to cease these activities until it applied for and received the requisite approvals.

Now, at the present time, the company has appealed my ministry's order to the Environmental Review Tribunal, and as the member opposite can surely understand, the matter is before the court and it would be highly inappropriate for me to argue that case here in the Legislature.

**Ms. Horwath:** You've already reviewed the history, and it's a fact that you've already failed east Hamilton residents by not ensuring the certificate of approval actually existed in the first place. Now the company, as you know, wants to expand its facilities despite the fact they've shown very little regard for environmental standards. It's clear to everybody that your ministry lacks the teeth to effectively clamp down on corporate polluters.

My question is very specific to the procedure we're now in. We know there is a court procedure, but what we need to know, what the residents of Hamilton East need to know, is that you, as the Minister of the Environment, are prepared to ensure that your director's order will not be stayed during the ABP appeal.

**Hon. Ms. Broten:** I guess I will take some time to review the facts again. On March 27, 2006, the ministry issued the company a provincial officer's order, as we have the authority to do, indicating that the company was required to (1) discontinue accepting sewage until it had received the ministry's approval; (2) apply for the ministry's approval to transfer and process waste; and (3) apply to amend its existing waste system approval to haul sewage.

The company appealed that order to the ERT and the company has also indicated that it will apply for a judicial review of the order. That matter is now before the courts. The matter will be decided by a court, and it is not appropriate to comment on this matter before the Legislature. Perhaps my friend does not understand how court proceedings operate, but I can tell you these matters are before the courts and they will be determined in that forum.



## FOREST INDUSTRY

**Mr. Jerry J. Ouellette (Oshawa):** I have a question to the Minister of Northern Development and Mines. Minister, with today's announcement regarding the impact on the forest industry, we're seeing a lot of changes coming forward and we're seeing a lot of displaced workers in the forest industry. Do you have a program, with all the jobs and the great things that you have come forward with and mentioned, that is going to assist these displaced workers in the forest industry for other working areas in northern Ontario?

**Hon. Rick Bartolucci (Minister of Northern Development and Mines):** I think the people of northern Ontario clearly understand that finally they have a government that cares; finally they have a government that is willing to work with municipalities to try to find the answers. Whenever one job is lost in northern Ontario, it's of concern to this government. That's why, after listening to municipalities across northern Ontario, our northern prosperity plan addresses the critical need that was lacking before, and that's the integration of all levels of government in coming together to try to find solutions. When we hear things like the Minister of Natural Resources said earlier, when we hear that the federal government is selling out Ontario with regard to the softwood lumber settlement, we have great concerns.

**Mr. Ouellette:** My question was about the displaced workers and how you're going to be able to help them. There is a lot of concern within the forest industry, which is one of the lifebloods of northern Ontario, about how you're going to assist those individuals, to reintegrate them in areas that are of high concern. For example, Minister, I know that skilled trades, as mentioned earlier on, is one of the areas where there's a shortfall in northern Ontario. Have you got anything coming forward that will assist these individuals to move forward in areas such as skilled trades or other areas that can help the north?

**Hon. Mr. Bartolucci:** The reality is that this is the responsibility of the Minister of Training, Colleges and Universities, and I turn the question over to him.

**Hon. Christopher Bentley (Minister of Training, Colleges and Universities):** As the member should know, we have something called the advisory adjustment process. As soon as there is a layoff or even a notice of a layoff in a particular community, the first thing that happens is that we contact the company, the union, if there is one, and the head of the community to advise them of adjustment advisory activities. That can include counseling; it can include direction to a job retraining facility.

On top of that, because we've now signed the labour market development and partnership agreements that your party decided not to sign for eight years, we're now getting new funding to build a stronger adjustment process so that people can go on to the type of skilled training they'll need to remain in their communities and get good jobs for the future. That's going to be the future of job training: an integrated process that ensures people

get the training they need for the jobs they need to ensure the prosperity that we all want in the province of Ontario.

## KASHECHEWAN FIRST NATION

**Mr. Gilles Bisson (Timmins-James Bay):** My question is to the Acting Premier. You will know that the community of Kashechewan has been devastated yet again, with the third evacuation this season. You will know that the damage is fairly extensive. The water plant has now been damaged fairly extensively by overflowing water, and also the sewer; the intake line is gone. Forty houses have been damaged to the point they need to be rebuilt, the same 40 houses as last year. The nursing station has been damaged; the airport has been damaged; the roads have been damaged; the dike is damaged. It goes on and on.

We need a commitment from this government that you're prepared to work with us in order to accelerate moving the community from its present location to higher ground, so that we don't have to go through this every spring. Will you do that with us?

1530

**Hon. Dwight Duncan (Minister of Finance, Chair of the Management Board of Cabinet):** To the minister responsible for aboriginal issues.

**Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs):** On Monday, I travelled to Ottawa to talk to the federal minister of aboriginal affairs, Minister Jim Prentice, about this very issue. As the member who represents the community knows, this is the third evacuation now in 12 months. In regard to the flooding, this almost becomes an annual routine for this community because of the siting of this community.

We also know about the infrastructure damage that has occurred to this community over the years. It's certainly Ontario's wish to work with the First Nation community to find them a new permanent home.

## PETITIONS

SERVICES FOR THE  
DEVELOPMENTALLY DISABLED

**Mr. John O'Toole (Durham):** I have a petition on behalf of my constituents and it reads as follows:

"Whereas, without appropriate support, people who have an intellectual disability are often unable to participate effectively in community life and are deprived of the benefits of society enjoyed by other citizens; and

"Whereas quality supports are dependent on the ability to attract and retain qualified workers; and

"Whereas the salaries of workers who provide community-based supports and services are up to 25% less than salaries paid to those doing the same work in government-operated services and other sectors;

"We, the undersigned, petition the Legislative Assembly of Ontario to address, as a priority, funding to community agencies in the developmental services sector to address critical underfunding of staff salaries and ensure that people who have an intellectual disability continue to receive quality supports and services that they require in order to live meaningful lives in their community."

I think of people in the riding of Durham. I support this petition.

### COMMUNITY MEDIATION

**Mr. Bob Delaney (Mississauga West):** I have a petition to the Ontario Legislative Assembly, and I'd like to thank Hailey Clarke for bringing me the signatures. It reads as follows:

"Whereas many types of civil disputes may be resolved through community mediation delivered by trained mediators, who are volunteers working with the parties in the dispute; and

"Whereas Inter-Cultural Neighbourhood Social Services established the Peel Community Mediation Service in 1999 with support from the government of Ontario through the Trillium Foundation, the Rotary Club of Mississauga West and the United Way of Peel, and has proven the viability and success of community mediation; and

"Whereas the city of Mississauga and the town of Caledon have endorsed the Peel Community Mediation Service, and law enforcement bodies refer many cases to the Peel Community Mediation Service as an alternative to a court dispute; and

"Whereas court facilities and court time are both scarce and expensive, the cost of community mediation is very small and the extra expense incurred for lack of community mediation in Peel region would be much greater than the small annual cost of funding community mediation;

"Be it therefore resolved that the government of Ontario, through the Ministry of the Attorney General, support and fund the ongoing service delivery of the Peel Community Mediation Service through Inter-Cultural Neighbourhood Social Services."

This is an excellent petition. I'm pleased to support it, to affix my signature and to ask page Billy to carry it for me.

### LONG-TERM CARE

**Mr. Gerry Martiniuk (Cambridge):** I have a petition provided to me, by the St. Andrew's Terrace long-term care facility at 255 St. Andrews Street in Cambridge, Ontario, addressed to the Legislative Assembly of Ontario.

"Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging seniors and parents who are residents of long-term-care homes need, with the respect and dignity they deserve; and

"Whereas, even with recent funding increases and a dedicated staff who do more than their best, there is still not enough time available to provide the care residents need. For example, 10 minutes, and sometimes less, is simply not enough to assist a resident to get up, dressed, to the bathroom and then to the dining room for breakfast; and

"Whereas those unacceptable care and service levels are now at risk of declining;

"We, the undersigned, who are members of the family councils, residents' councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007)."

I affix my name thereto.

**Mr. Phil McNeely (Ottawa-Orléans):** I have a petition that was sent to me by Mr. Fred Haggart, president of the Madonna long-term-care facility family and friends' council, on behalf of that facility. It reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas long-term-care service funding levels in Ontario must be improved in order to facilitate additional staffing and lengthen the hours of care provided by our facility;

"We, the undersigned, who are members of family councils, residents' councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario as follows:

"To increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years."

I appreciate all the good intentions of the Madonna long-term-care facility and hereby affix my signature. I will send this up with page Julian.

### MACULAR DEGENERATION

**Mr. Jerry J. Ouellette (Oshawa):** I have a petition to the Legislative Assembly of Ontario:

"Whereas the government of Ontario's health insurance plan covers treatments for one form of macular degeneration (wet), and there are other forms of macular degeneration (dry) that are not covered,

"Therefore, be it resolved that we, the undersigned, respectfully petition the government of Ontario as follows:

"There are thousands of Ontarians who suffer from macular degeneration, resulting in loss of sight if treatment is not pursued. Treatment costs for this disease are astronomical for most individuals and add a financial burden to their lives. Their only alternative is loss of sight. We believe the government of Ontario should cover treatment for all forms of macular degeneration through the Ontario health insurance program."

As I believe in it, I affix my signature.



## COMMUNITY MEDIATION

**Mr. Jeff Leal (Peterborough):** I received a petition from Mr. Singh, who lives on King Street in Mississauga, Ontario:

"Whereas many types of civil disputes may be resolved through community mediation delivered by trained mediators, who are volunteers who work with the parties in the dispute; and

"Whereas Inter-Cultural Neighbourhood Social Services established the Peel Community Mediation Service in 1999 with support from the government of Ontario through the Trillium Foundation, the Rotary Club of Mississauga West and the United Way of Peel, and has proven the viability and success of community mediation; and

"Whereas the city of Mississauga and the town of Caledon have endorsed the Peel Community Mediation Service, and law enforcement bodies refer many cases to the Peel Community Mediation Service as an alternative to a court dispute; and

"Whereas court facilities and court time are both scarce and expensive, the cost of community mediation is very small and the extra expense incurred for lack of community mediation in Peel region would be much greater than the small annual cost of funding community mediation;

"Be it therefore resolved that the government of Ontario, through the Ministry of the Attorney General, support and fund the ongoing service delivery of the Peel Community Mediation Service through Inter-Cultural Neighbourhood Social Services."

I will give it to the page.

## LONG-TERM CARE

**Mr. Ernie Hardeman (Oxford):** I have a petition here from the good folks at People Care Tavistock, the long-term-care facility there, and it's to the Legislative Assembly of Ontario:

"Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging seniors and parents who are residents of long-term-care homes need, with the respect and dignity that they deserve; and

"Whereas, even with recent funding increases and a dedicated staff who do more than their best, there is still not enough time available to provide the care residents need. For example, 10 minutes, and sometimes less, is simply not enough time to assist a resident to get up, dressed, to the bathroom and then to the dining room for breakfast; and

"Whereas those unacceptable care and service levels are now at risk of declining;

"We, the undersigned, who are members of family councils, residents' councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per

resident per day over the next two years (2006 and 2007)."

I affix my signature, as I agree with the good folks at People Care Tavistock.

## FREDERICK BANTING HOMESTEAD

**Mr. Jim Wilson (Simcoe-Grey):** "To the Legislative Assembly of Ontario:

"Whereas Sir Frederick Banting was the man who discovered insulin and was Canada's first Nobel Prize recipient; and

"Whereas this great Canadian's original homestead, located in the town of New Tecumseth, is deteriorating and in danger of destruction because of the inaction of the Ontario Historical Society; and

"Whereas the town of New Tecumseth has been unsuccessful in reaching an agreement with the Ontario Historical Society to use part of the land to educate the public about the historical significance of the work of Sir Frederick Banting;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Minister of Culture endorse Simcoe-Grey MPP Jim Wilson's private member's bill entitled the Frederick Banting Homestead Preservation Act so that the homestead is kept in good repair and preserved for generations to come."

I want to thank the good people of ReMax Wasaga Beach who sent me that petition.

1540

## PUBLIC TRANSPORTATION

**Mr. Lorenzo Berardinetti (Scarborough Southwest):** I have a petition addressed to the Legislative Assembly of Ontario, and it reads as follows:

"Whereas the McGuinty government is committed to improving public transit and eliminating gridlock;

"Whereas the McGuinty government understands that public transit over the course of the past 10 years has been in a constant state of decline;

"Whereas this means that residents of the city of Toronto and Scarborough have seen this decline in the form of bus routes being eliminated from various remote areas and wait times for buses have doubled from 30 minutes to an hour and even more in some cases;

"Whereas this decline has also seen necessary repairs being delayed to the point where transit services such as subway travel are marked by increased delays along subway routes;

"Whereas the Scarborough LRT is on its last leg and is on the verge of becoming obsolete and through neglect and inaction will create further transit stress for the residents of Scarborough;

"Whereas public transit in other jurisdictions, such as New York state, is funded by all levels of government and the TTC has been supported solely by the city of Toronto;

"Whereas, as populations across the GTA and in the province of Ontario continue to grow ... ;

"Whereas the TTC in the past has not received any substantial money or support to expand the subway system ... ;

"Whereas the McGuinty government upon taking office on October 23, 2003, has taken steps to remedy this steady state of decline;

"Whereas the McGuinty government is the first government in 10 years to restore a steady, constant and, for the first time, a growing source of cash support for transit authorities through its implementation of a two-cents-a-litre gas tax initiative ... ;

"Whereas the McGuinty government views transit as such a high priority that they have convinced the federal government to come to the table and support public transit in the form of capital funding and ongoing federal gas tax revenue subsidies;

"Whereas the McGuinty government's efforts have been so successful that the federal government is committing an additional \$1 billion in transit expansion funding;

"We, the undersigned, support and continue to encourage the McGuinty government's commitment to public transit."

I support this petition. I affix my signature to it and give it to page Vanessa.

#### GASOLINE PRICES

**Mr. Joseph N. Tascona (Barrie-Simcoe-Bradford):** I'm very pleased to present a petition which reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas the price of gas is reaching historic price levels; and

"Whereas provincial and federal governments have done nothing to protect consumers from high gas prices; and

"Whereas provincial tax on gas is 14 cents per litre and federal tax is 10 cents per litre, plus 8% GST; and

"Whereas these taxes have a detrimental impact on the economy and are unfair to commuters who rely on vehicles to travel to work; and

"Whereas the province has the power to set the price of gas and has taken responsibility for energy prices in other areas, such as hydro and natural gas; and

"Whereas we call on the province to remove the 14.7-cents-per-litre gas tax and on the federal government to eliminate the 10-cent gas tax, plus 8% GST, which amounts to 30% or more;

"We, the undersigned, petition the Legislative Assembly of Ontario and urge the Premier to take action and to persuade the federal government to remove its gas taxes."

I support the petition, and I affix my signature.

#### BORDER SECURITY

**Mr. Jeff Leal (Peterborough):** I just received a petition to the Legislative Assembly of Ontario.

"Whereas the United States government, through the western hemisphere travel initiative, is proposing that American citizens require a passport or single-purpose travel card to travel back and forth across the Canadian border; and

"Whereas a passport or single-purpose travel card would be an added expense, and the inconvenience of having to apply for and carry a new document would be a barrier to many visitors; and

"Whereas this will mean the loss of up to 3.5 million US visitors in Ontario, losses of"—over—" \$700 million, and the loss of 7,000 jobs in the Ontario tourism industry by the end of 2008; and

"Whereas many of the northern border states in the United States have expressed similar concerns regarding the substantial economic impact of the implementation of this plan; and

"Whereas the safe and efficient movement of people across the border is vital to the economies of both of our countries;

"Therefore, be it resolved that we, the undersigned, respectfully petition the Legislative Assembly of Ontario to support the establishment of a bi-national group to consider alternatives to the proposed border requirements and inform Prime Minister Harper that his decision to not pursue this issue with the United States is ill-advised."

I'll affix my name to this petition.

#### LONG-TERM CARE

**Mrs. Julia Munro (York North):** "To the Legislative Assembly of Ontario:

"Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging seniors and parents who are residents of long-term-care homes need, with the respect and dignity that they deserve; and

"Whereas, even with recent funding increases and a dedicated staff who do more than their best, there is still not enough time available to provide the care residents need. For example, 10 minutes, and sometimes less, is simply not enough time to assist a resident to get up, dressed, to the bathroom and then to the dining room for breakfast; and

"Whereas those unacceptable care and service levels are now at risk of declining;

"We, the undersigned, who are members of family councils, residents' councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007)."

As I am in agreement, I've affixed my signature.



## PUBLIC EDUCATION

**Mr. Lorenzo Berardinetti (Scarborough Southwest):** I have a petition, and this is a bit shorter than the last one. It's addressed to the Legislative Assembly of Ontario and it reads as follows:

"Whereas the people of Ontario demand a quality public education system that will give our children the tools to compete with the world; and

"Whereas Premier McGuinty and the Liberal caucus are fighting for our future by implementing a positive plan to improve our public schools, including smaller class sizes;

"Whereas the Conservative Party and John Tory want to take millions from public education to literally pay people to withdraw their children from the public system and send them to elite private schools";

**Mr. Joseph N. Tascona (Barrie-Simcoe-Bradford):** Where you went.

**Mr. Berardinetti:** I went to public school.

"We, the undersigned, petition the Legislative Assembly of Ontario to support Premier McGuinty in his commitment to giving our children a ladder to success through excellent public education and not spend taxpayer dollars to benefit the few who can afford private school tuitions."

I agree with this petition. I affix my signature to it and give it to page Philippe, with me here today.

## ORDERS OF THE DAY

## SECURITIES TRANSFER ACT, 2006

LOI DE 2006 SUR LE TRANSFERT  
DES VALEURS MOBILIÈRES

Mr. Phillips moved second reading of the following bill:

Bill 41, An Act to create a comprehensive system of rules for the transfer of securities that is consistent with such rules across North America and to make consequential amendments to various Acts / *Projet de loi 41, Loi instituant un régime global de règles régissant le transfert des valeurs mobilières qui cadre avec celui qui s'applique dans ce domaine en Amérique du Nord et apportant des modifications corrélatives à diverses lois.*

**The Acting Speaker (Mr. Michael Prue):** Mr. Phillips has moved second reading of Bill 41, An Act to create a comprehensive system of rules for the transfer of securities that is consistent with such rules across North America and to make consequential amendments to various Acts.

**Mr. Gilles Bisson (Timmins-James Bay):** Dispense.

**The Acting Speaker:** The member of government services—I mean the Minister of Government Services. You've got me going here.

**Hon. Gerry Phillips (Minister of Government Services):** Thank you, Mr. Speaker. That was not the

short title you read there. The short title is the Securities Transfer Act.

I'll just mention I will be sharing my time with my colleague, my parliamentary assistant, the member for Guelph-Wellington, on this important bill.

I'm pleased to rise to begin debate on it. The bill, if passed, will update legislation to help ensure that Ontario remains competitive in the world by making its capital markets attractive to investment. It's important to address this area. Ontario is competing successfully globally. As I think all members of the Legislature know, we are now the leading jurisdiction in North America for automotive production. We are very competitive in the equities market. But we cannot afford to rest on our laurels. I think all of us recognize that we compete in a global economy, not just with the US but with Europe, Asia, South America and the Pacific Rim. In short, we need to make certain that our regulations and laws allow us to compete in this global economy. We must modernize our corporate laws to provide the stability and the predictability that businesses need to thrive.

This bill is the first phase of a number of important reforms to help us do that. It aims to give greater legal certainty to the way markets work today, making them more efficient and ultimately more attractive to investors. Our government recognizes that modern securities transfer laws are fundamental to the competitive position of Ontario in the global economy, particularly in relation to the US. All 50 states have adopted modern securities transfer laws. That consistency does help to make the US market attractive to investors. We must ensure that Ontario keeps pace and remains a viable, attractive and preferred investment destination for businesses and their capital while protecting investors.

## 1550

This bill responds to the recommendations made by the standing committee on finance and economic affairs in 2004. Those recommendations were based on Mr. Purdy Crawford's committee, which conducted its five-year review of the Ontario Securities Act, as you know, Mr. Speaker. The introduction of updated securities transfer legislation, modelled on US laws, was unanimously supported by all three parties in the committee. They recognized that it would improve the efficiencies of our market by providing the legal certainty investors need to be confident in their decisions.

For example, the laws that outline how securities are transferred in Ontario today rely on what's called a direct holding system. That system assumes that when securities move from one owner to the next, a physical certificate goes with it. Of course, everyone in this Legislature, and I think the public, appreciates that that is almost unheard of today: where you actually receive certificates to show that you own a certain number of securities. That's because moving around pieces of paper slows down the market and makes it inefficient and cumbersome. To overcome this, the market has moved to what's called an indirect holding system, where an intermediary, such as a clearing agency or securities dealer, keeps track



of who owns what securities. Simply put, they keep track of who sold what to whom and for how much. Quite frankly, it's a system that works well, with few problems. So members might ask, what's the problem? Why do we need this new law?

One issue with our current system is that people who own securities electronically have a difficult time using them as collateral. The current law is inadequate and therefore creates a legal environment that offers no certainty to the market participants. Our current laws do not create an environment that offers certainty to market participants. Using electronic accounts as collateral, for example, depends on complicated and expensive agreements, because the current rules rely on outdated concepts that are not adequate to deal with today's indirect holding system. It's unnecessarily complicated, not to mention very expensive. As a result, transferring securities involves making a few assumptions and taking some additional risk. These are hardly things that encourage and protect investors, especially ones who engage in transactions that are larger and more complicated than ever before.

The Securities Transfer Act will help eliminate a lot of this ambiguity. It would set rules for valid transfers and encode into law the sound practices that have been accepted in industry for years. At the same time, it would give all market participants greater confidence and assurance over completed transfers. It would also, importantly, harmonize our legislation with the United States, whose laws acknowledge an indirect holding system that has been recognized as a model for the rest of the world. In addition, it would make transferring securities more efficient, because the practice would be outlined in law, lessening the need for expensive and cumbersome contracts to give certainty to transfers. Harmonization with US laws will also help facilitate cross-border transactions, helping to make Ontario's transactions with Ontario's largest trading partner even more efficient.

Ontario needs to have a system of laws that not only ensures that we have a competitive business environment in Canada, but also allows us to compete on the world stage. It's been close to 20 years since changes have been made to our legislation to make sure it reflects the realities of the world around us. In some cases that's not a very long time, but consider this: In 1980, two billion shares were traded on the floor of the Toronto Stock Exchange, worth about \$30 billion; 19 years later, 29 billion shares were traded, worth \$530 billion. In 19 years, it went from \$30 billion to \$530 billion. Just four short years after that, 55 billion shares changed hands, nearly twice as many shares as were trading four years prior.

Since 1997, the Toronto Stock Exchange has been fully electronic, working in megabytes rather than mailboxes. The Securities Transfer Act would help ensure that our legal framework for transferring securities keeps up with the pace of change. While our current legislation has proven to be remarkably adaptive, it is timely to update it to make sure it meets the needs of tomorrow's

market. To continue the growth in our economy and our capital markets, our laws must provide certainty to the changing nature of international markets.

This bill would help prepare Ontario to meet the demands of modern markets and address the reality that most securities are held in electronic records rather than paper certificates. It would help to provide the predictability and the stability that investors need and deserve. Industry sources tell us that the changes could deliver more than \$100 million a year in savings to the industry.

Our government recognizes that a modern commercial law framework supports a competitive business environment that attracts investment and protects investors.

We are leading a multi-year plan to update the commercial law framework, a far-reaching initiative that goes well beyond this bill. You will remember that the 2005 budget outlined our commitment to further phases of corporate and commercial law reform to help make Ontario even more competitive in the world; and the 2006 budget reaffirmed those plans.

In the next little while, we plan to bring forward two additional phases of corporate and commercial law reform. The next phases will focus on making additional changes to the Business Corporations Act and modernizing it to make it consistent with the terms of the federal counterpart, the Canada Business Corporations Act. It will also be aimed at making it competitive with the reforms recently made in other provincial business corporation statutes, because attracting business to Ontario is a competitive process and competitive business laws make that job much easier.

The phase will also modernize the Personal Property Security Act and the Partnerships Act. These initiatives will help reduce confusion and eliminate unnecessary ambiguity.

The third phase of amendments will propose changes to the Corporations Act that will modernize our laws and reduce the cumbersome regulatory burden on our charities and not-for-profit corporations. They will be aimed at streamlining the requirements to incorporate not-for-profit corporations and reduce administrative costs to comply with regulations so they're able to dedicate more of their resources to helping those who need it, rather than dealing with red tape.

Ontario needs a new law that addresses an indirect holding system and recognizes the realities of electronically transferring securities. We need to do this for Ontario and for Canada. Because of the size of our economy, our market and our relative wealth, what we do here is indeed felt across Canada. In fact, I know that other provinces already recognize the need for a more modern set of laws for corporate and commercial laws in Canada. Given the size and scope of our markets, many provinces are considering very similar legislation and are watching the progress of our bill.

I might add that one of the reasons we introduced the bill in December for first reading was to give other jurisdictions an opportunity to examine the bill, and my



understanding is that Alberta introduced a very similar piece of legislation this week.

I look forward to the rest of the debate on this bill, and I hope that members will continue to show the leadership Ontario is known for and allow us to press forward with this bill. I know this is a topic that's not necessarily flashy or exciting, but its effects are indeed profound. The securities market affects all Ontarians. In addition to those who buy and sell securities directly, virtually everyone who is involved in some pension plan or mutual fund, has a mortgage or relies on a strong and robust economy should be concerned with and will benefit from the health and efficiency of the securities market.

By taking this action now, we're helping to improve the efficiency and predictability of Canada's largest capital market, ensuring that we remain an investment destination of choice and a strong economic force in an increasingly competitive world.

I would ask all members to support this bill, and I look forward to the debate.

**Mrs. Liz Sandals (Guelph-Wellington):** Listening to the minister, it's always surprising to hear that it has been so long since Ontario has updated its corporate laws, especially those relating to securities transfer.

The general public could be forgiven for not realizing the need to update this legislation, given the ways we often measure economic health: Ontario's 6.1% unemployment rate is the lowest in five years; and exports have continued to grow despite a high Canadian dollar. In short, people and companies are investing in Ontario. They're investing because of our highly skilled labour force that's literate, educated and diverse. Thanks to high-quality public health care, we can also boast of a healthy workforce. But to maintain our competitive edge, our government knows that we need to do all we can to make sure that this investment continues.

1600

We often hear or read in the news about companies that are seeking out the best opportunities for investment. Around the country and around the world, businesses and the jobs they take with them are more mobile than ever before. We receive constant reminders that today's business world moves faster and changes more fundamentally than ever before. Sometimes change is the only constant. In a world like this, we have to do all we can to keep up. We can't afford to fall behind because it's hard enough to stay competitive, but it's even harder to catch up and become competitive.

The Securities Transfer Act is an important bill because it would help Ontario's capital markets and securities firms become more efficient, remain competitive and attract investment.

I should also mention that the bill is strongly supported by key stakeholders. The five-year review committee and a cross-section of capital market participants proposed these changes to the standing committee on finance and economic affairs. The standing committee unanimously recommended updated securities transfer legislation. I should say to the viewers that the standing

committee has representation from all three parties, so a unanimous vote means that at the committee stage this was supported by all three parties.

The bill is not difficult to implement. Most of the key changes associated with the bill are already in place as part of current industry practices. The bill is consistent with US laws. The bill would harmonize Ontario's laws with the United States, our largest trading partner. This would make it easier to transfer securities between the US and Ontario.

This is one of those bills that comes through the House that few people understand, and because of that, it's difficult for many people to see its relevance. That just means that we have a challenge to communicate this and tell people why this is important business for this House to consider. As the minister said, everyone has an interest in securities, even if we don't actually realize it. The bill would help ensure the competitive position of our capital markets. The capital markets affect the stock market, pensions—both private and public—RRSPs, interest rates and mortgages, transactions that impact voters of all sorts all across the province.

Unfortunately, the underlying legal framework that lets markets operate efficiently does not have a tangible meaning for many people, so when it changes most people don't appreciate the difference it makes. This is especially true when change happens beneath the surface. I know that homeowners can understand if I say that this is a lot like the plumbing in a house. We seldom, if ever, see how it works, most people understand remarkably little about it, we usually take it for granted, and most of us will never know the difference between a good plumbing system and a bad plumbing system. But we certainly know when the poor system fails. There is no mistaking in that case that there's a problem. Just as with plumbing, it's always more difficult to fix the problem than it is to address it before it becomes an issue. Even once it's updated, most people who look at it will never understand the difference. In this case, securities transfer law is a lot like the plumbing. We need to take care of this so we can be confident that there is sound plumbing, a sound legislative base for our capital markets.

The Securities Transfer Act is another area where our government is taking leadership and making it a priority to ensure that Ontario has a competitive business environment. In a similar vein, the government is also taking action to make itself a modern organization. This means we're looking for ways of becoming more efficient and delivering better results. For example, the government is working to modernize areas such as ServiceOntario and consumer protection. All of these things are helping to improve results and deliver better public services to Ontarians.

I'll be drawing my remarks to a close, but I wanted to speak briefly to the Consumer Protection Act. In my opinion, that is another excellent piece of legislation. It was supported by all parties in the House, by the way, and it gives Ontario consumers some of the strongest protection in the world. I bring up that act because I want



to mention that the approach of the ministry was similar in that case to the approach taken to modernize securities transfer legislation. In both cases, the ministry consulted widely with industry and stakeholders to make sure that the legislation is modernized in a way that protects consumers and helps to maintain fairness and efficiency in the marketplace. Now, just as Ontario led the way with the Consumer Protection Act, we're also providing leadership with the Securities Transfer Act.

As the largest economy in Canada by far, other provinces are watching our work in this area. Ontario is providing leadership with this bill in drafting and in consulting. As the minister mentioned just this week, Alberta has followed our lead and tabled a very similar bill.

I'm pleased to have had a chance to speak to this bill, and I hope to see the House support it.

**The Acting Speaker:** Questions and comments?

**Mr. Joseph N. Tascona (Barrie-Simcoe-Bradford):** I'm looking forward to speaking on this particular bill. This is an important piece of legislation in terms of the securities industry, and it's important that we do what we can to make sure that it's the most competitive and the most efficient in this country. A lot of work has been put into this in terms of the process, but it's also important to note that this is sort of like a building block in terms of bringing Ontario into the modern world. I have met with the minister's staff with respect to the changes that are needed with respect to the Ontario Business Corporations Act and obviously the PPSA and the Partnerships Act to bring Ontario up to speed not only in terms of technology but in the different methods of doing business in this province and in the world, which needs to be addressed.

The Corporations Act is another story in terms of the not-for-profits. I think it's going to be a real challenge in how we make sure we maintain the integrity of the not-for-profits in what they are trying to accomplish and, at the same time, build a corporate structure that is responsive to the needs of that particular organization. It's important.

When I comment on the bill, there are things that have been left out in terms of the reform of the Ontario Securities Commission, in terms of making it more arm's length and more of a transparent approach in dealing with it to make sure that everybody feels that the rule of law has been respected and that there's fairness in the process that goes on in the investigation and also in the prosecution. That's an area the minister is going to have to address, and he knows it.

**Mr. Bisson:** I'm going to be looking forward to not only this debate but the work that the committee is going to do on this particular bill. There are many people in Ontario, across North America and, I would argue, probably across most of the world who are pretty leery about what has happened on the market over a number of years. We've seen CEOs of major corporations, trans-world corporations, who have been locked up in jail for having done things which, quite frankly, have cost investors huge amounts of money and have seen people's savings wiped out when it comes to their retirement income.

Talking to constituents in my constituency, as I do across this province, a lot of people have said to themselves, "What's going on?" There used to be a time in this province when we had defined pension plans so that we knew, once we retired, how much we were going to get per month and we could budget on that. But over the years, employers have forced employees away from defined pension plans such as this Legislature's and put them into the stock market, and people are seeing their savings going up in smoke. You have a couple of good years followed by a year of adjustment, as they say in the market, and before you know it, the investment that a person thought they had when it comes to retirement is not there. If that's not bad enough, what makes it really bad is if you take a look at some of the scandals that have happened with some of the major corporations out there, where there's been all kinds of games being played on the part of various board members, CEOs and others from those corporations who have basically taken the money from the corporations, put it in their back pocket at the expense of the person who is trying to invest their measly little \$4,000 or \$5,000 a year so that they may some day be able to retire.

I look forward to this debate. I look forward to another debate that we should be having, which is trying to find a way to put people back into defined pension plans so they're not up to the whims of the market and are able to retire with some dignity, something that I believe every Ontarian should have the right to do.

1610

**Mr. Bob Delaney (Mississauga West):** Canada is a big country. We border on three oceans. Our lakes contain a fifth of the world's fresh water. We instinctively think of Canada as big. As a member of the G8, we assume our securities markets are big too, but we would be wrong to make such an assertion. We are, as a nation, a middle power in our securities markets. We live in a world where we must swim with the toughest of sharks and the swiftest of financial marlins. That's why we have to pass Bill 41. No party in this House disputes it.

Let me provide some insights from the companies that I visit in Mississauga on why this bill is needed. One of the hardest things that companies find to do in Ontario is to get access to capital. Whether a company needs money to revamp its plant, its machinery or its facilities, whether a business needs to invest in R&D, prototyping, commercialization activities or marketing programs to either gain or expand market share, that organization needs capital. If a company plans an acquisition or a takeover, it needs capital. If a company wants to grow past the limitations of the assets of its privately held owners, it needs capital. In Ontario, it's hard to raise capital, in part because Ontario is itself part of a mid-sized capital entity, even though we're physically a large country. That's what makes Bill 41, the Securities Transfers Act, such an important bill to pass. It provides a legal foundation to existing market practices. This bill would codify existing market practices, ones that have evolved down through the years, and provide a comprehensive legal framework



for Ontario's capital markets. In so many different ways this gives legal certainty that some of the securities practices that Canadians universally accept are indeed valid.

**Mr. John O'Toole (Durham):** I had to go out of the chamber to listen to Minister Phillips's response in his opening. I commend the work he's done. In fact, it's a compliment with respect to the work done by the previous government in setting up the Purdy Crawford five-year review. The work done by members of all sides of the House made some extremely important recommendations, and there's some disappointment there. Even the Wise Persons' Committee report would tell you that there are some changes that aren't in this bill. It's what's not in this bill, Mr. Speaker, as you would know as well. The current Speaker in the chair would know, from the work he's done on this, that there's a lot that's not here, which is troubling. It's the protection for the investor really, from the point of view of just even the overarching autonomy of the Ontario Securities Commission. I mean, who's checking the checker? Isn't that an age-old question? Who checks the checker?

Here's the problem: It's the subrogation issue, technically. I'm going to get right into it right away. It's just not in here, but it has to be. What's missing is what's important. The issue here is that you have the OSC, the Ontario Securities Commission, sort of setting the regulations, and they're also doing the investigation and they're also kind of prosecuting, all with the same boss. That would be like the investigator down in the organizational chart going, "Oh, the regulations aren't enforceable." The boss would fire him. Do you understand? Quite honestly, that issue is very contentious. It was mentioned in the Purdy Crawford five-year review, it was mentioned in the Wise Persons' Committee, and it's missing here.

Minister, there's a lot of work to be done on this, and I commend you on the little that has been done on the securities transfer issue. It seems like a rather long bill that hasn't got a lot in it. So I'm waiting for the member from Barrie-Simcoe-Bradford, because he is a practising lawyer in the commercial sense. In fact, he was probably practising earlier this morning.

**Mr. Jeff Leal (Peterborough):** Moonlighting as a lawyer.

**Mr. O'Toole:** No, he's a very skilled and sought-after legal expert. So I wait for his comments.

**The Acting Speaker:** The minister has up to two minutes in which to respond.

**Hon. Mr. Phillips:** I certainly appreciate the input from all of my colleagues. To the member from Barrie-Simcoe-Bradford, I acknowledge—and I think I did in my remarks—that there are two additional pieces of legislation that have to come forward in a couple of the areas you talked about. One is the partnership area that you talked about, and then the not-for-profits. That is to come forward.

To the member for Timmins-James Bay, I think I'd remind the House of a couple of major things that we

have done. We've implemented what is called civil liability for secondary markets—the first jurisdiction to do that. Essentially what that does is give shareholders of the secondary market—in other words, not IPOs, not initially offered shares, but shares that trade in the market, where 80% or 85% of the shares trade—the access to civil liability. That is a big, significant step forward.

The other thing I would mention, Mr. Speaker, because you were on the committee that reviewed the Purdy Crawford report, is that one of the things we did in our budget bill was give the Legislature the authority to call before a committee the Ontario Securities Commission. That was one of the recommendations. I think that is a good step, and the Legislature may very well want to avail itself of that.

My colleague from Mississauga West talked about legal certainty, and that's very important in this bill. It does provide the legal certainty, at a saving, I might add, of \$100 million of what can only be regarded as unproductive, unnecessary expenditures by investors: \$100 million a year that could be better spent in returns for the investors.

To my colleague from Durham, this particular piece of work is as a result of a lot of years of effort, quite significant, I might add, and, as I say, an annual savings of \$100 million, I hope to the investors.

Again, thank you for your comments.

**The Acting Speaker:** Further debate.

**Mr. Tascona:** I'm very pleased to speak on Bill 41, which has been brought forth for second reading today. As I indicated earlier, this is the first part of a three-phase update on corporate commercial laws in Ontario. It consolidates all current security transfer laws under one law and provides the same kind of legal certainty to securities transferred electronically as those that are transferred by physically moving paper certificates. That's really what this is about. It's an administrative-type bill in terms of electronically transferred securities as a method, as opposed to the paper-driven model.

I certainly hope the minister is correct when he says that there is \$100 million to \$140 million annually that could be saved. I don't know whether that's going to be saved by the banks or whether that will be savings that will go to the investors. I guess time will tell whether that's going to be passed on in terms of lower fees in this particular type of situation. In other words, the transaction fees to purchase securities will be less because you're not having a paper-driven model, you are having an electronically driven model, and one would hope that you would be seeing savings passed on to the investors, as the minister indicates. That's something we'll have to wait and see as that comes along.

Certainly we're supportive of the bill in relation to security transfer benefits to consumers, but it does require amendments to remove the Ontario Securities Commission from its enforcement role. That's something that I think was important out of the Purdy Crawford commission, in terms of doing that, and that's not in the bill. The bill implements the Purdy Crawford review,



which was initiated by the Progressive Conservative government. The Liberal government, as I said, has failed to act on recommendations to remove the Ontario Securities Commission from its enforcement role to ensure transparency and public confidence in the province's capital markets, and that's important. I don't know why the minister hasn't done that.

1620

There's been a change at the top of the Ontario Securities Commission during the tenure of this government, but in terms of the model of enforcement there has been no change. I think that's troubling. The member from Timmins–James Bay was commenting about corporate scandals that we have and the mechanisms we have to enforce those. Certainly on the other side of the border they've had many more cases than we have, and they have been more vigilant in terms of dealing with prosecutions of corporate executives who have flouted the laws and not respected the investors, not respected anyone in that corporate structure which is supposed to be followed. So it's important for us to look at it from that perspective.

Looking at the comments that I made when the minister introduced the bill back in December 2005—December 1, 2005, to be exact—on that particular date I commented as follows:

“The need to update securities transfer legislation in Canada is clear and compelling. It was the PC government that initiated the Purdy Crawford review which resulted in the legislation before the House today. What is missing now from the bill is the removal of the regulator from enforcement.

“Investment transfers between institutions has long been a problem. The Investment Dealers Association has taken steps to improve transfers between member institutions by attempting to facilitate transfers within 21 days. An area of concern with respect to the timeliness of transfers is between investment dealers, who are typically members of the Mutual Fund Dealers Association. Asset transfers between these groups tend to take too much time.

“Part of the problem that exists tends to be due to the provider of the financial services not being the holder of the securities—what is known as ‘off-book assets.’ Because the transfer process is paper-based, these transfers tend to take significantly longer. Any legislation that improves the speed with which a transaction can occur is considered beneficial to the consumer.

“However, while legislation may be in place, the financial ability of independent distributors to implement any legislation may be limited, as financial systems may have to be upgraded and costs for some may be prohibitive. Regardless, an improvement in transferring assets is long overdue.

“I look forward to further reviewing the bill, which is in excess of 160 pages, and public hearings.”

I want to thank the minister. He has been very professional and courteous to me in allowing his staff to provide me the opportunity to be briefed on the bill and to go over these considerations since he introduced it. While

I'm not a corporate expert, I certainly understand what is being accomplished here.

I also want to read the comments made by the Speaker who is currently in the Speaker's chair, Michael Prue, the member for Beaches–East York. He had to stand down his lead today, so I might as well give him a little bit of airtime here in terms of what he said, which is as follows:

“In response to the Minister of Government Services, and as a member of the all-party committee that unanimously made the recommendations, we welcome the fact that this has come forward.

“We ask you, though, to redouble your effort for a single regulator, which seems to have stalled, and because it has stalled, we think that what has also been stalled is the single greatest recommendation we made, and that was recommendation 5.

“Just to refresh everyone, recommendation 5 said that the adjudicative function of the Ontario Securities Commission should be separated from its other functions, based on the recommendations of the fairness committee. As members of that committee, we had many debates. What you are implementing today was agreed upon—and agreed upon fairly rapidly. But the greatest single recommendation we made, and the one we look forward to your passing, is recommendation 5. Until that happens, we do not believe the Ontario Securities Commission can exist in a way that is seen to be fair and acts fairly to all those people whose monies may be at risk.”

The member from Beaches–East York was sincere in those remarks, and I certainly support what he's saying, because that's what we are talking about here today: what's left out of the bill, as opposed to what was necessary for the bill to be implemented in terms of moving away from a paper-based system to an electronically based registration system, which obviously has efficiencies and can benefit the consumer.

The minister wrote to me on April 24 of this year and commented about the bill in some context here. He indicates, “Bill 41 aims to reduce legal uncertainty and enhance the competitive position of Canada's capital markets and security firms.” The minister didn't mention it, but I think he did have this particular piece of legislation reviewed in British Columbia and I believe also in Quebec. I haven't heard back on what their comments are. Maybe the minister will comment. What we're trying to accomplish here—and obviously Ontario is taking the lead—is to build a uniform transfer system across this country so we can have a seamless system with respect to security transfers. It only makes sense, especially when you're in a global economy and you're trying to achieve economies of scale and bring the best efficiency in terms of the capital markets.

“The bill will provide an efficient legal framework for the electronic transfer of securities. It will also reconcile inconsistencies between Ontario's corporate and security laws, and harmonize Ontario securities transfer legislation with that of the United States, sending a positive message to the commercial world that Ontario is open for business.” We know we're open for business, but the fact



of the matter is, obviously it's important to have some uniformity with the United States, because they are our largest trading partner, and it's important for us to make sure that we don't have any road bumps with respect to dealing with capital markets.

The minister goes on to comment about the savings to the Canadian securities industry, estimated to be about \$100 million to \$140 million annually. That's a lot of money, but I would hope that is going to be sensitive to the consumers' needs. That's what is important here in terms of making sure that consumers not only benefit from this legislation but also are able to use it in the most efficient way.

Another area I want to comment on today, and it's not necessarily totally unrelated to what we're trying to do here in this province—it's like what the minister was talking about with the Ontario Business Corporations Act and the not-for-profit act, and changing the method of how we deal with PPSA. When I say PPSA, I'm talking about the Personal Property Security Act. For example, if you go to purchase an automobile and you don't have the money to pay for it and you have to take out a loan, that loan is registered under the Personal Property Security Act. So if anyone does a search on, we'll say, heaven forbid, Jim Wilson, the member for Simcoe-Grey, who does ride around in a very nice Honda—I'm very envious of that vehicle he has, but of course Honda is in his riding. He's a good man and he's driving that Honda throughout that riding. But if he didn't buy that vehicle and he had to take out a loan, what would happen would be—

**Mr. Jim Wilson (Simcoe-Grey):** I did take a loan out.

**Mr. Tascona:** He confirmed he did take a loan out.

So if you're doing business with Jim Wilson and he's out there buying another piece of expensive property—say, for example, he was going to furnish his house and he goes to the Brick, and the Brick says, "Jeez, I wonder if this guy's got good security or if he's got any other liens against himself." They would do a Personal Property Security Act search on Jim Wilson, and if he had a loan on a vehicle they would know that there is security against him for the purchase of an automobile. They would take a hard look at that in terms of determining whether that would be a person they want to lend money to.

The point of the matter is—and what the minister knows he has to deal with—he has to make the Personal Property Security Act not only a mechanism in terms of the people who need security; he has to make sure that that system is reliable. In other words, if you go to that system and you want to look at a person in terms of what liens are against him or what security is against him, that that is exactly what's going on. The problem is to make sure that if there are a lot of transactions going on, to avoid fraud, those transactions can be changed so you're dealing with the electronic system. They can come on to the system as fast as possible, as opposed to being paper-driven and having to go through the bureaucracy. I think

that's something he recognizes, and I think everybody knows that's something you need to make sure there's confidence in the loan system in this province. That's certainly something that is lacking in the real estate industry.

**1630**

It caught my attention on the weekend. I was reading the Toronto Star, which I tend to do on the weekend—an article by Bob Aaron called "Title Page." This is kind of startling because of the fact that people who own their own homes, and if they don't have any mortgages against that property, what has happened with respect to a recent Ontario Court of Appeal decision is that if a mortgage is put on the property fraudulently—for example, in this particular case, a forged power of attorney giving that person the right to sign mortgage documents—and that mortgage is registered through the land title system, then that mortgage is a valid mortgage against the property unbeknownst to the innocent homeowner, who will obviously have knowledge once they start getting bills from the bank or the credit union or whoever with respect to money that is owed from that mortgage. That's a situation that, in terms of maintaining the integrity of the real estate markets in this province—that's one transaction.

I just want to read from this article because it's very interesting. It says:

"When the Ontario Court of Appeal decided last November that a forged power of attorney could be used to create a valid mortgage, it fundamentally changed the law of title registration in Ontario.

"It also paved the way for innocent residents like Susan Lawrence to be evicted from their homes after fraudsters steal their house titles and mortgage the properties to unsuspecting financial institutions.

"Lawrence's story was detailed in the Star this month. Earlier this year, an identity thief stole the title to her home and mortgaged it to Maple Trust for almost \$300,000. He immediately defaulted on the mortgage and disappeared with the money, leaving Lawrence facing an eviction action by the lender.

"When I spoke to Lawrence in February, she told me the fraudster used the name Thomas Wright—the name of the president and CEO of the Real Estate Council of Ontario, the licensing body of Ontario's real estate agents. Needless to say, the real Tom Wright had nothing to do with the Lawrence house.

"At my suggestion, Lawrence contacted Toronto lawyer Morris Cooper, who has extensive experience with title fraud. She was shocked to learn that an Ontario Court of Appeal decision last November ruled that a fraudulently signed mortgage in a similar case was perfectly valid and enforceable against an innocent homeowner."

When "the Star's reporter contacted Maple Trust (now owned by Scotiabank) for comment, it investigated the matter and the court case against Lawrence was discontinued."

What's interesting here is that, "The likely implications of Household Realty v. Chan are severe, according



to Troister. Owners can lose their land to subsequent, forged registrations. In addition, lenders can have their valid (legal) mortgages discharged by forgery and lose their claims to the land.

"Virtually all lenders these days take out title insurance. When a mortgage turns out to be fraudulent, the lenders typically turn to the title insurers for relatively quick compensation. But in the wake of the *Household v. Chan* case, title insurers are likely to say that the courts have ruled forged mortgages are now valid, and they are not going to pay claims based on the 'valid' (but forged) mortgages.

"As a result, the Lands Titles Assurance Fund may see an avalanche of new claims to be paid out of the public purse.

"Under the court's new interpretation of the law, lenders like Maple Trust will have a very difficult public relations problem enforcing mortgages against innocent owners like Susan Lawrence. But the mortgages stay on title, interest accrues and owners are unable to deal with their properties until the matter is resolved."

"If this all sounds bizarre, I can assure you that it is."

He goes on to comment that they think that's a pretty bad decision by the Ontario Court of Appeal. I don't know, and he didn't comment in there, whether that has been appealed to the Supreme Court of Canada. One would hope it would be. But if it hasn't, that's the law of the province with respect to that type of transaction. It just shows you what can go on in terms of a system that does not protect the consumer.

I would comment, as the critic for government agencies, that I'm looking at that very carefully right now and certainly I'm going to be looking at it to the point of introducing legislation that will be able to protect innocent victims from not only having all the equity in their house stolen, but also losing their house. That's not a situation that is good for business in this province, because it can extend not only to residential homes; it can extend to commercial properties, industrial properties. If we're trying to maintain the integrity of the securities industry, which Bill 41 is trying to do, we should also be looking to secure the integrity of the real estate industry, because it is really at risk.

There are other types of transactions that have gone on in the real estate industry. For example, individuals who are working in conjunction or through a conspiracy, if you wish, go out and buy a property for a certain amount of money—say \$400,000—and then flip it and mortgage it to the hilt, as much as the bank will allow them, because the bank is obviously borrowing on their integrity but they're also borrowing on the value of the property. They flip the property for, say, \$600,000 to one of their buddies, who mortgages the property to the hilt, as much as they possibly can, up to 90% or whatever. Then the next week or so they flip it again for, say, \$800,000, mortgage it to the hilt, and here you have an artificial price for that piece of property. Also, the people have probably bagged 95% of the equity in the property in the mortgage, maybe taken it stateside or who knows

where, and all you have is a fraudulent transaction where people are basically not going to pay their mortgage responsibilities, and disappear. That could happen, obviously, to a person who is an innocent bystander in terms of their own property being used for this type of transaction.

It's important, and I think the minister recognizes this, that we move into the technological age with respect to dealing with transactions, not only in the capital markets but also in the real estate market, so we can come to grips with what we're trying to deal with here.

The other two steps that he's looking to do—and he didn't mention this; I think he may mention it, because we've been commenting on it. I know the Speaker wants to hear about this. In terms of the Ontario Securities Commission, what plans does the minister have for that? We've already heard about the fact that they not only have the investigative role but they also have the enforcement role, the regulation role. I think it's important that you're going to have to separate those particular situations.

I'll give you a simple example: the Ontario Human Rights Commission. It used to be that the human rights commission had the power to investigate and also hold the hearings. That was changed to where they didn't have that. What was set up was the Human Rights Tribunal of Ontario, which deals with the litigation side of human rights complaints. Then you have the Ontario Human Rights Commission, which has the public education responsibility and is responsible for enforcement and the adherence to human rights in this province. They separated the two because they recognized that there was a conflict of interest. There also was a perception of bias and not real fairness in that particular system. That's something the minister knows he's going to have to deal with, because that was one of the recommendations of the Purdy Crawford report.

There have been enough high-level, very visible court cases and cases involving the Ontario Securities Commission that we know that certainly has been one of the arguments of lawyers who are involved in that particular forum. They feel they should be getting a fair hearing and they should not have to deal with the arm that is investigating and has all that power and has all the resources, which is not only deciding, "We're going to prosecute you, but we're also going to make sure"—you know, "We lay the complaint, we do the investigation, and then we decide we're going to go after you," in terms of a prosecution under the Ontario Securities Commission. So that's something the minister knows he has to deal with, and I'm sure it's a matter that he'll give due consideration.

1640

The other parts of the reform, I don't know how long that's going to take. I did get briefed by staff on that and they didn't really know when that would come on. That is something that's been ongoing for years. It's not a simple exercise of changing the Business Corporations Act in terms of what the rules of play are going to be in



setting up corporations, because there are different rules. The way the law has evolved, a corporate entity used to be something that could protect people who went the corporate route from lawsuits, personally. But the law has evolved to the point where you can pierce the corporate veil in certain types of activities of the people who are the directors, shareholders or officers of a particular company based on the type of transactions they were involved in. It's a very important principle that was in place until recently, in terms of that corporate veil not being pierced. You could rely, I would go into a corporation, doing business, and you couldn't go after my personal assets, but that has changed and that's going to have to be addressed in that type of situation.

Another interesting case I was reading about in the paper the other day had to do with a judge who decided that a landlord didn't have to rent their property to an entity or a business that had not even set up its corporation. In other words, it had entered into some discussions with a business that was looking to rent or lease property in their mall. The court said that since there wasn't a company that had been established that they could rent to—there was none in place—it was not going to force a landlord to enter into that type of transaction.

This is an area that is really complex. The Partnerships Act is very complex now, with the type of corporate business vehicles you can enter into. Law firms have gone into LLPs. We have legislation in place where doctors, those types of professionals, can incorporate where they normally wouldn't have been able to incorporate. The Partnerships Act is something that was always strewn with problems in terms of the principle of who you know you're doing business with. Are you dealing with the person you should be dealing with when you're dealing with a group that puts out there, "We are a partnership," when in fact they're not?

I don't know what the minister has got in mind with that, but there's no doubt that's an area that is really going to have to be looked at closely because of the different types of business vehicles. Law firms have traditionally been your sole practitioner or partnership, but now they've gone into different types of vehicles that you could look at.

That's an area that as part of all this business—

**Mr. Bisson:** Are you still at it?

**Mr. Tascona:** Yes, I'm still going at it. The member from Timmins—James Bay has rejoined me. I imagine he's going to join the debate.

This is something that has been looked at in terms of dealing with the stakeholders. The member from Guelph—Wellington mentioned that. People who were consulted: the Uniform Law Conference of Canada, the Ontario Securities Commission—W. David Wilson is the chair; I don't know if he's related to the member from Simcoe—Grey—the USTA drafters, the Canadian Depositary for Securities Ltd., the Canadian Capital Markets Association, the Canadian Bankers Association and the Ontario Bar Association, to name a few.

This is a bill that is going to be debated. There's all-party consensus with respect to going forward with this. I look to further debate and I look for some comments from the minister with respect to the areas that have been left out and where he's going.

**The Acting Speaker:** Questions and comments?

**Mr. Bisson:** I really want to commend the member for what were, quite frankly, some pretty insightful comments on this legislation. It doesn't surprise me at all. The member, when he gets the chance and has the opportunity, does a fair amount of research and has a pretty good sense of what he wants to talk about.

But I've got a couple of specific questions. I touched on this earlier and the minister responded to it somewhat. I give the government some credit for trying to deal with this issue in some of the things they've already done and want to do in this legislation, because I think the government recognizes, as we do, as most citizens do, that there has been a lot of hanky-panky in the market, as they might say in language that comes from back home, the sense that people who are investing their hard-earned dollars in the market in the hope that one day they're going to be able to draw on that money in retirement are finding that the money they thought was going to be there isn't there. Sometimes it's the whims of the market, and we understand that as investors. The market goes up and certainly it always comes down, and when it does, it normally takes your ups down with it. But that's a whole other story.

But there's been a lot of profit-taking as far as decisions made by boards and CEOs and others that have been pretty shocking. We look at what happened with Enron in the United States. We look at, if you remember, the Bre-X scandal that happened back in the 1980s. Now this is quite a different issue, I agree, but basically it drives against the confidence that people have to—

**Mr. Delaney:** That was the 1990s.

**Mr. Bisson:** That's what I'm saying. I'm not blaming you guys. I'm just saying—

**Mr. Delaney:** It was the 1990s.

**Mr. Bisson:** Was it the 1980s or 1990s? Whenever it was. I'm so old now I don't remember any more. Anyway, the point is that that really eroded the confidence of the investor in a lot of cases and people felt leery about investing.

What I want to hear the member talk about is his views on what needs to be done further to instill confidence in people and not have their life savings stolen.

**Hon. Mr. Phillips:** I appreciate the comments by the member for Barrie—Simcoe—Bradford. I'd just comment on a few things. The separation of the adjudicative function from the securities commission—I know you, Mr. Speaker, have been a strong advocate of that, as was the committee. I think the member from Barrie is as well. What we said on that is that we are not philosophically opposed to that. We're working, as members know, on attempting to find some way to move to a common regulator for the country. We actually have Mr. Purdy Crawford setting up a group that's composed of members



from across the country. The ministers responsible for securities regulation are going to be in Ontario in June. We're hosting the next meeting. I happen to think we're making some progress on that. What we've said to the House is that we'd like the separation of the adjudicative function to await the outcome of that progress.

The member from Barrie mentioned other jurisdictions. I think all jurisdictions are looking at moving to some form of this Securities Transfer Act. As I mentioned, Alberta introduced legislation this week, I believe, but I think all jurisdictions are looking at finding a way to move as close to this as they possibly can.

You mentioned some other areas that I will assure you—the whole real estate fraud area, which you have mentioned here in the Legislature several times, we are working on. We've got a group, including some of the police organizations, the bar, looking at the various issues you talked about: title fraud and mortgage fraud.

Finally, I would just assure you that on the issue of the Personal Property Security Act and the Partnerships Act, I mentioned in my remarks that that is the next phase of this, and we are in consultations right now.

**Ms. Andrea Horwath (Hamilton East):** I too want to commend the member for his remarks because, obviously, he actually sits on the committee that put together the report from which this particular bill was developed. He also raised some really important issues of other areas that the government needs to look at. He of course mentioned the fact that he's had some assurances from the minister and the minister's staff that this is the beginning of a process that hopefully will address many of the recommendations that came from the report that the standing committee on finance and economic affairs brought forward.

I thought it was really interesting and important that he also raised other issues, other areas that need to be looked at and reviewed, particularly the issue of the real estate markets and of what happened. The example he raised was a very scary one, around someone whose house had a mortgage put on it without them even knowing. That's something that anybody in Ontario could be vulnerable to, that kind of shucksterism. It's really important that that was raised, because I think there are things we need to do to make sure that people's interests are protected from those kinds of threats to your well-being.

1650

Equally, he talked about the legal profession and physicians' professions, particularly in regard to these partnerships and whether the public is appropriately aware and whether the regulatory framework exists for assurances that these partnerships are being appropriately managed. The areas of concern that the member raised are extremely important ones. I think that all members would agree that any movement forward in this current bill is positive, but there is still a great deal of work that needs to be done.

**Mr. Mario G. Racco (Thornhill):** I'm pleased to speak on Bill 41 for second reading. As we all know, the

way that things are taking place has changed. We certainly have been using significant modern technology lately. This bill is going to allow transactions to take place and be registered properly, instead of having to be delivered as they used to do in the old days, when a transaction would only take place when the actual delivery of the shares or the stock, whatever is in question, would take place.

This bill does have support in the industry. It is supported by the legal, the financial—

**The Acting Speaker:** If I could, member from Thornhill, you are supposed to be referring to the comments made by the member for Barrie-Simcoe-Bradford, if you could confine your comments to those.

**Mr. Racco:** Thank you, Mr. Speaker. I was trying to address the issues that I felt were important. The member made his comments, but the most important part of this bill for me is the fact that, no matter what comments the gentleman made, it is supported by the professions affected by this bill. Again, it's the legal, the financial and the business community. I suspect that, if they do support this bill, it certainly is going to be in the best interest of the consumers, the people affected, and therefore I believe this bill merits support.

It also codifies existing practices into law. Because of these reasons, I would suggest to this House that the bill should be supported.

**The Acting Speaker:** The member for Barrie-Simcoe-Bradford.

**Mr. Tascona:** It's my pleasure to respond to the comments from the member from Timmins-James Bay, the Minister of Government Services, the member from Thornhill and the member from Hamilton East.

As we get into the debate—I think the minister was quite straightforward with respect to the Ontario Securities Commission. There may be agreement in principle, but in terms of uniformity, I still think the Ontario Securities Commission is almost similar to the same thing with respect to the human rights commission. The thing is, there's not uniformity with respect to human rights across this country, though it would be nice. Each province has its own set of rules and whatever. Certainly it's more advantageous, in the corporate security market, for there to be a set of uniform rules. I think that's the objective here. But in terms of enforcement, every jurisdiction has their own rules and means and methods of enforcing their securities. There is an aspect, I'll concede, that if you're dealing with securities across provinces, although Ontario is certainly the giant with respect to the securities industry in this country—I think the principle in terms of separating the adjudicative arm of the Ontario Securities Commission from the regulatory arm has merit, and I think it's going to have to be looked at as we deal with the situations that are before us as we evolve, probably out of some of the instructions that are going to happen out of some of the major cases out of the United States—the Enron one right now, which I think is going to have far-reaching implications in terms of government corporate governance.



**The Acting Speaker:** Further debate?

**Ms. Horwath:** It's certainly my pleasure to speak this evening—this afternoon, I guess, technically—on Bill 41, the Securities Transfer Act, 2006. Of course, I'm not a member of the committee or the subcommittee that put together the report from which this bill flows, but I do understand that some significant work has been done in regard to the securities regulations and the securities structure, if you will, in the province of Ontario, and there is quite a bit of ongoing debate in that regard.

My understanding is that this particular bill deals with a specific piece that has to do with the electronic nature of the market at this point in time and basically keeping up with technology in terms of ensuring that our appropriate regulatory framework is up to date with what is happening in the world of electronic transactions.

Having said that, I don't know that I'm going to be spending a lot of time on the details of what this means because, quite frankly, you need to be one of those finance lawyers to get all the details of the language that's in the bill. Nonetheless, I think the principle is an obvious one. I think everybody in this House would likely agree that this is a good first step in bringing us where we need to be, but that there are also many, many more steps that need to be taken. I think, if I heard correctly, the minister has indicated some willingness to start moving us on this road.

Mr. Speaker, I need to bring to your attention the fact that I've been given an hour. My understanding was that there had been unanimous consent to stand down the lead of this speech that was arranged by my whip. Of course, the lead would be our critic in this area, which would, in fact, be the Speaker, who is in his chair right now. So I don't know if I'm allowed at this point, since I've already begun to speak, but my whip did tell me that he had already made that arrangement. I don't know if I can seek unanimous consent at this point in time.

**The Acting Speaker:** Are you seeking unanimous consent to stand down the lead?

**Ms. Horwath:** Yes, I am.

**The Acting Speaker:** Is it agreed? Agreed.

**Ms. Horwath:** Thank you, Mr. Speaker. It made me very nervous when I looked up at the clock and thought I had to talk about this bill for 58 more minutes.

I find it interesting, because the things that occur in everyday life have already been referred to by other members discussing this bill. And interestingly enough, some family time that I had on the weekend had to do with, maybe not the detail of this bill, but certainly the broader report that this bill flows from, that I have already mentioned. It's because my son convinced me, when we were having our Saturday afternoon, to actually rent a movie on Saturday night and to kind of hang out with him and watch a movie—not something we get to do often enough, unfortunately, but we did do that. So the movie that he decided he wanted to see was with one of his favourite actors, who was of course a Canadian, Jim Carrey. My son's 13; he loves comedies. Anybody with a 13-year-old son knows that—comedies are still his

favourite kind of movie, thank goodness. I hope it stays that way for a long time.

Nonetheless, we were watching this movie called *Fun with Dick and Jane*. This movie, *Fun with Dick and Jane*, is all about this huckster of a corporate head who goes through the process of basically filing fraudulent financial statements and then subsequently selling off all of his own stock in the company, and the value of the stocks go plummeting. The company goes belly-up and all of the employees are left without work. The main character, who is Jim Carrey, had just been promoted to vice-president of communications and he got stuck trying to explain to the media why it was that all of a sudden the company was losing value left, right and centre. And of course the movie goes on to talk about the desperate circumstances that the employees were left in as a result of the behaviour of this corporate head.

I'm not going to give a review of the movie—I'm not a reviewer—but I have to say that the funniest thing, for me, in the entire movie wasn't any of the scenes. It was the credits. My hubby and I sat watching the credits and all of the credits in the movie were to Enron and to Bre-X and to companies that had basically done the same thing. So the movie was modelled after, unfortunately, these nasty situations like Nortel, Bre-X, Enron, WorldCom, and that's what was in the credits. So the credit for the movie was going to these real-life nasty situations. That, I thought, was kind of humorous in a very cynical way.

**1700**

What the standing committee on finance and economic affairs did in the several months that were put aside to review—it was a requirement, actually, that the review take place. So on the five-year review, they came up with a report that undertook a number of issues, that tackled a number of issues that are of concern in Ontario's securities system. I have to say that although this bill addresses one small transactional piece, if you want to call it that, of our system, there are a number of other recommendations that New Democrats had hoped would be acted on by the government. We're still hoping that's going to take place, so what I'd like to do now is outline a couple of the areas that we had hoped would be looked at.

I guess the first one is a part of this report that was produced by the committee around the structure of the Ontario Securities Commission. More particularly, the issue is that the structure is such currently that the adjudicative function of the Ontario Securities Commission is also—the commission also takes on other functions. The recommendation is that we need to remove the adjudicative function in order to reduce the perception of bias that currently exists. In having this discussion, a number of experts came forward and gave evidence. Of course, the member previous spoke about the Crawford report that led to where we are now, this phase of the review.

I just wanted to quote something that speaks in favour of the idea of restructuring. It says, "In response to the Crawford report, the Ontario Securities Commission asked the province's Integrity Commissioner, Coulter



Osborne, to head a review committee to examine the commission's structure." That report came out in 2004 and here's what that report said, which was the responsibility of Mr. Osborne: "... the nature of the apprehension of bias has become sufficiently acute as to not only undermine the commission's adjudicative process, but also the integrity of the commission as a whole among the many constituencies that we interviewed. Matters of institutional loyalty, the involvement of the chair in the major cases, the increased penalties, the sense that the 'cards are stacked against them,' the home court advantage, the lengthy criminal law-like trials and the commission's aggressive enforcement stance, which will likely only increase over time, all combine to make a compelling case for a separate adjudicative body."

The report goes on to indicate both pros and cons, different opinions that came to the committee. But ultimately, what the committee decided is this, and this is the opinion of the committee itself: "In our view, the issue of perception has become paramount. Any new single securities regulator should include a separate adjudicative function. Failing substantial progress towards the establishment of such a regulator over the next 12 months, we believe the Ontario government should take the necessary steps to separate the adjudicative role of the commission from its other roles. This should not preclude the government from immediately beginning the serious examination of the necessary steps needed to undertake such a transaction."

So the recommendation, Mr. Speaker—and you know it well, having participated—is one that's quite clear in terms of the requirement of separating out the adjudicative role. It provides at least a sense that people are getting a fair shake when matters are being adjudicated and that the adjudication is a fair and unbiased and transparent process. Of course, that's something that we often talk about in this place.

It says, "Under the Securities Act, the commission performs multiple functions: policy development; conducting investigations into possible breaches of security laws; prosecuting cases; and adjudicating cases. However, it is the dual role of prosecutor/adjudicator that has for years been the source of complaints from corporate lawyers and companies that have been subject to the commission's rulings. They say this dual role creates a perception of bias (if not actual bias)."

That is a major point that I thought I should bring forward, one that we believe needs to be addressed, one that we're hopeful that the minister will, as he moves forward going through the rest of this report, see fit to implement. We're certainly awaiting the implementation of that. I could read the exact recommendation, but I think people get the gist. It's taking away the adjudicative role, allowing all of the other roles to continue around policy development and others, but particularly taking the adjudication role out and keeping it separate to maintain, if not an actual, a belief or perception that there is no bias in the system.

There are three that we thought were important to put on the record. The second is that the government should move forward on the establishment of a task force to review the role of self-regulatory organizations. That task force should also look at whether a trade association and the regulatory functions of a self-regulatory organization should be separated. So again, this is an issue of trying to make sure that complaints and concerns that are raised with self-regulatory organizations are, from the complainant's perspective, taken in a non-biased way, taken in a way that cannot be perceived to be biased in any way because the functions are in the same organization.

From the Crawford report recommendation, which was the precursor to the report, the five-year review, that the committee put forward on the Securities Act, the Crawford report recommendation reads that "the commission study whether the act should be amended to give SROs (self-regulatory organizations) the following statutory powers:

- jurisdiction over current and former members or 'regulated persons' and their current and former directors, officers, partners and employees;

- the ability to compel witnesses to attend and to produce documents at disciplinary hearings;

- the ability to file decisions of disciplinary panels as decisions of the court;

- statutory immunity for SROs and their staff from civil liability arising from acts done in good faith in the conduct of their regulatory responsibilities; and

- the power to seek a court-ordered 'monitor' for firms that are in chronic and systemic non-compliance, close to insolvency or for other appropriate public interest criteria."

Looking at the SROs' self-regulation or the enforcing of their own rules, what the discussion centred around in terms of the committee's discussion was that there was "a perception that SROs are not able to impose meaningful sanctions" on their own members. Again, some would say it's because of the sheer nature of the clubbiness of a lot of these organizations, that they often cross-pollinate between roles, between being on boards and being clients and being lawyers who are working for the boards. So as people circulate in and out of these roles, there is some sense in some quarters that the sanctions are more difficult to impose on those members who are so close to each other. In fact, "the five-year review committee considered whether recognized SROs and stock exchanges should have statutory authority to enforce their own rules" at all. "In considering this issue, the committee observed that securities legislation in the United States now gives SROs authority to revoke a member's registration, to" ensure—sorry, I can't read anymore; it looks like it's time to get my glasses soon—"censure or impose limitations on a member, and to remove from office or censure officers and directors of a member."

Ultimately, what the standing committee recommended in regard to this issue of self-regulatory organizations is that they are not confident that complaints that come to a self-regulatory organization "will always be handled in



an objective manner under a system of self-regulation.” The Crawford report—again, the precursor—said, “we remain concerned about [this] issue.... Investors must feel that when they have a complaint against an IDA member they receive fair and unbiased treatment from the IDA in addressing their complaint.

“In view of the concerns about self-regulation expressed by the five-year review committee (in both its draft and final reports), and by witnesses appearing before the standing committee, we cannot fully endorse the recommendation concerning SRO enforcement powers ... and separation of self-interest and regulation.”

1710

So recommendation 9 from the committee is this: “The government should establish a task force to review the role of SROs, including whether the trade association and regulatory functions of SROs should be separated.”

So ultimately there’s more work that needs to be done on this file, and I don’t recall hearing that that work was being commissioned at this point by the government. But we certainly believe that since this is an outstanding issue that’s been raised many times and still has not reached a resolve, it’s extremely important that we ensure that the work is done and that we come to a resolution so that there is confidence in self-regulatory organizations and their ability to discipline members in the public interest and in the interest of people who perhaps could have been wronged by one of the members of the organization.

That brings me to the final issue that we thought was important to raise. This issue was around the Ontario Securities Commission’s establishment of a workable mechanism that would allow investors to pursue restitution in a timely and affordable manner and that the government report on its progress in this regard within 12 months. Again, this is a piece of work that the committee is recommending be undertaken. It’s come out of the report. The recommendation is pretty much as I described it. The idea is that where somebody has been wronged, there needs to be a way that that person can get financial restitution in a way that doesn’t make it useless to even pursue because it costs so much in lawyers’ fees and procedural fees to get to that point of restitution, but also so that it fairly reflects the loss that the complainant has experienced.

From the Crawford report, recommendations 75 through 77 indicate that the “commission monitor the exercise by the Manitoba Securities Commission and the FSA of their respective new restitution powers and consider the practical implications of the exercise of this power....” It goes on to talk about encouraging the commission “to exercise its discretion, in appropriate cases, to apply to the court under section 128 of the act for a restitution or compensation order.” It also recommends that “consideration be given to the desirability and implications of amending section 128 of the act to permit investors, in certain circumstances, to apply to the court directly for an order for restitution or compensation.”

Mr. Speaker, as you again will know, the discussion talked about other jurisdictions as well as regulatory

agencies like the Ontario Securities Commission, which does not have the power to order restitution because the goal of the regulatory legislation is protective rather than remedial. Nevertheless, the Crawford report recognized the role of the regulatory agency as it’s evolving and used the Manitoba situation, as well as the UK, to demonstrate where securities commissions now also do have the power to make restitution orders directly.

So the standing committee came up with the following: It “believes that investors, especially small investors”—it’s interesting that this was taken as an important consideration, because it’s the little guy who doesn’t often have the resources at hand, who doesn’t have a flurry of staff lawyers or a massive army or group of adjudicators there at the whim of the head of some big company to address these issues. Instead, it’s the little guy who gets burned by perhaps a decision or a situation, and in order to try to get restitution really ends up spending every dime they have, and the restitution eventually, if they ever get it, never even covers off the cost of getting there. So in the need to protect the little guy and the need to make sure that the little guy gets some justice and gets some restitution or some financial repayment of any of the wrongdoings that have occurred, the committee is recommending “that the government work with the Ontario Securities Commission to establish a mechanism that would allow investors to pursue restitution in a timely and affordable manner and that the government report on its progress....” So the bottom line is to make sure that the small guy gets a fair shake in these situations and isn’t broken at the bank, isn’t financially made destitute in his or her attempt at achieving justice and is able to take on a process that is not only affordable but also timely insofar as it doesn’t lag on for years and years and thereby the person faces financial ruin as a result of it just taking too long in the courts to be resolved.

In the interests of making sure that the little guy gets a fair shake, the committee did an admirable job of making sure that that is something they are suggesting the government take on as yet another piece of work that needs to be done as a result.

Thank you very much, Mr. Speaker. I appreciate the opportunity.

**The Acting Speaker:** Questions and comments?

**Mrs. Carol Mitchell (Huron-Bruce):** I want to thank the member from Hamilton East for her comments. All parties understand that everyone benefits from a reliable securities market, be they large, be they small. The whole province, the whole country, benefits.

I just want to put special emphasis on stakeholders in the legal, financial and business communities. They’re encouraging the unanimous consent of the standing committee on finance and economic affairs to move forward. They have reached unanimous consent and the business, financial and legal communities are encouraging them to move forward.

I just want to speak to Bill 41 in the time that I have left and certainly make the indication that I will be supporting this bill as well. I see it as having three main



objectives: to provide a legal foundation for existing marketing practices; harmonizing and modernizing the legislation; and providing uniformity.

I feel that in order to ensure Ontario remains strong, we need to, as a government, quite often review the legislation that ensures our financial economy remains sound. This piece of legislation has been a long time in formulating and I feel that, by having unanimous consent, which is three parties sitting at the table with the standing committee on finance and economic affairs, it will be well vetted. We see from the business, financial and legal communities that this is something they want to see move forward too, and we as a government need to make sure that the finances remain secure in Ontario.

**Mr. O'Toole:** I do want to respond to the comments made by the member from Hamilton East on a very, very important yet very technical bill that has quite a long life. You would know, Mr. Speaker. You and I actually sat on the committee that reviewed the securities regulations issue. I said earlier—and not to be disparaging to Minister Phillips in government services, I would have felt more comfortable, perhaps, talking to Greg Sorbara, but he was removed from that because of other issues, of course, which are before the courts. I think what's most important here is what the bill doesn't do, and that leaves me somewhat suspicious that the job is not done.

There are really six principal sections to the bill. As the member said, and she points it out very well, there's very little here representing the consumer. These are our constituents, who find themselves victims through some circumstance—perhaps judgment or improper advice. But what this bill really does in a very strict sense is regulate the transfer of securities, and those are the obligations and the liabilities that are set out in this bill. I would say on the record that of that very small part of the bill, we're quite supportive. These were primary recommendations from the Purdy Crawford review, the five-year review of the Ontario Securities Commission.

*Interjection.*

**Mr. O'Toole:** Well, our caucus—in fact our critic, Tim Hudak, was principally one of the leaders and now is our critic for finance and knows much about this, but he's holding back; I understand that. He really does want to respond, I think, Mr. Speaker, when you're making your response to the minister's statement, the one-hour lead-off.

The member from Barrie-Simcoe-Bradford did an impeccable job today outlining some of the commercial issues with respect to the Business Corporations Act, but I think that for the consumer there's very little here in most transactional issues where the consumer is being protected. I don't think it goes far enough, and I think the member from Hamilton East is quite right in pointing out that we are here to protect the small people in our communities and our constituencies.

**Mrs. Sandals:** I'm pleased to respond to the comments from the member for Hamilton East. I think it's important to point out that the minister has outlined in his comments that Bill 41 is the first of a series of bills that

will address the recommendations of the five-year review and the standing committee on finance and economic development. In fact, Bill 41 is very narrowly focused on modernizing the rules around security transfers to make sure we don't have a legislative regime that talks about paper when most security transfers today are done electronically. So the members are quite right in observing that this bill does not do a number of things. It was never intended to do a number of things.

**1720**

What it does do very well, and which is the result of a lot of work with all the other provinces, is that we have had legal minds from all across the country look at the drafting of the Ontario bill, because one of the things we want to make sure is that the rules in Ontario are aligned with the rules in the US. Twenty-five per cent of the trading in Ontario is cross-border with the US, so we want to make sure that this law is aligned with the US law, which it is. We also want to make sure that as the nine other provinces come into updating their own legislation, it will be in line. That is why Ontario has taken the lead in working with the legal folks from the governments of the other provinces in drafting this legislation. Alberta is following suit this week, and we expect that perhaps BC may follow suit very soon to make sure we have this law aligned across the country.

**The Acting Speaker:** Questions and comments? Seeing no additional questions and comments, the member from Hamilton East has a response.

**Ms. Horwath:** I want to thank the members from Huron-Bruce, Durham and Guelph-Wellington for their remarks. When I began my speech on this issue, I think I acknowledged—and I'm glad it was raised again—that all the parties I think would agree that this bill is one small step in a number of initiatives that need to be undertaken to ensure the efficacy of our securities system, to ensure that our investment regime is sound and that the advice and the contact people have within that system is going to be a positive experience, and one that is accountable.

That's why I thought it was important in that context to raise the issues about the separating out of the adjudicative function of the commission, and also the two pieces of really unfinished work that we, as New Democrats, think are extremely important to make sure that the little guy, if you will, or the everyday investor, the everyday person coming in contact, the people who live in my riding and live in all of your ridings, can be assured that the issue of whether the self-regulatory organizations can discipline their members is undertaken. There needs to be a look at that, as well as that the regulatory functions of SROs should be separated out from the trade association functions. So there are a number of pieces still outstanding.

I think it is important, though, that we all acknowledge and recognize—and I did so at the beginning of my remarks through talking about a film I watched with my son, Julian Leonetti. We all remember Bre-X, Nortel, Enron, WorldCom, Andersen accounting—an issue a little



closer to home—Global Crossing, Tyco, Martha Stewart, all of these are reasons why we need to be diligent in moving forward with these reforms.

**The Acting Speaker:** Further debate?

**Mr. O'Toole:** It's a pleasure to stand. I'm somewhat disappointed in the fact that I'm not particularly well prepared in the general sense, but I would say that if I look back to the comments made by the member from Barrie—Simcoe—Bradford, he really did say a good deal of what was on the record.

It's important just to boil this down to what I would say is understandable language for the consumer. I'm going to do that because we have till 6 o'clock, and that time should certainly be used appropriately to inform the consumer, the viewer.

**Mr. Tim Hudak (Erie—Lincoln):** Actually, those in the beautiful riding of Durham.

**Mr. O'Toole:** Yes. In fact, in the riding of Durham there are a lot of things going on this evening. I'm quite disappointed I can't go to Joe Hickson's. I hope this is being broadcast to his home. Joe, congratulations. You're being recognized for the work you've done in agriculture, the Farmers Feed Cities issue. But I don't want to be deflected off topic here because the member from Erie—Lincoln—that was the old name. What's the new riding?

**Mr. Hudak:** It's Erie—Lincoln.

**Mr. O'Toole:** In fact, he's actually our finance critic.

But I think what we do agree with primarily—it has been said by the parliamentary assistant, who's done an inordinate amount of work on this, and I commend her for that because she has a master's degree in math, I think, so you're eminently qualified to look at the numbers. This is all about numbers. Actually, it has a dollar sign in front of it. That's what makes it different and that's how it affects our constituents.

On this bill, it says—I'm going to just sort of go into the low-level education mode here. In the explanatory notes, what it does say is that "The bill is modelled on the Uniform Securities Transfer Act" that was prepared by the Canadian securities administrator. So really, it's talking about harmonization with respect to the rules that the Securities Transfer Act Task Force reported in 2004, and the Uniform Law Conference of Canada. What they're trying to do is, there are a lot of transactions in the market today where those who are buying or purchasing a security, those who are acting as a transfer agent of actual electronic dollars—in actual fact, many a time there aren't real dollars. I may have an account with a brokerage firm, and that account would allow me to log on online, real-time, and actually purchase or put or sell or exercise a warrant. Those transactions have to be transferred.

In fairness, this is a fairly lengthy little bill. Although it's not as controversial as some would suggest, it's 70-some pages, of which 35 are in the English language: very, very technical language. Most members have drifted around the sides of it because to get the Uniform Securities Transfer Act in place—that is between the jurisdictions in Canada, within our jurisdiction. But think

of it: A lot of the transactions are occurring in other markets. The other market could be New York; it could be Hong Kong; it could be London. There need to be transfers; it needs to be recorded. They need to have securities and liabilities and risks so that the investor doesn't get euchred by someone who is maybe not playing by the rules of the game.

When you're dealing with the dealers' association, they have to be licensed. They are regulated. The Mutual Fund Dealers Association, MFDA, are actually regulated federally and have a uniform set of rules and licensing and regulation and enforcement for inappropriate behaviour. That's where for some of the persons operating in these financial adviser roles and other roles we need to have oversight and a set of regulatory—I would say as a profession, it should have some measure of being able to exercise enforcement issues. If, for instance, there's inappropriate behaviour by a financial planner or a dealer whom you're working with, who isn't appropriately licensed and is not making proper disclosure to a purchaser of the risks, then there's no ability by the consumer—that's my constituent—to get recourse, unless they go to court. But of course, as has been mentioned by the member from Hamilton East earlier, when they've lost their life savings or a nice tidy bundle in the marketplace—indecision, bad advice, whatever—we've got to make sure that there is recourse. Often, the person is rendered destitute or penniless; they've lost their money. So how do they get appropriate and highly technical legal advice? We need to make sure that this marketplace is fair to the consumer. There are a number of writers in some of the papers who do comment on this. It's not the most exciting news, as this bill is not the most exciting bill.

1730

"The bill establishes a comprehensive system of rules for the transfer of investment securities that reflects current international commercial practices." That's good. "The rules contained in the bill address both securities that are directly held"—that's where I've actually got the security—"that is, issued by the issuer to the investor"—that's me, the investor—"and those that are indirectly held (that is, issued to securities intermediaries)—somebody may be holding the stock or it may indeed be in a fund—"so that the investor has rights in relation to the security, but does not directly hold the security)."

There you have it. I could have a mutual fund or other kind of money paper, document, and we need to have confidence in that system, so I don't think you'll find much opposition to that.

All of this goes back to big terminology. The OSC, in fairness—Mr. Speaker, you would know—has an education week for investors. All of the members receive a package. It's usually a CD that we're able to give to consumers, give to our constituents, to engage them in the education of themselves in the marketplace. What's most frightening here is that education is the key, and I think it's a very important role of the Ontario Securities Com-



mission to educate the consumer. Why I say this is that when we look at the poor rate of return today in the traditional mode of savings, which would be a savings account or perhaps having bonds or maybe some sort of monetary investment at the bank level, these are pretty unsophisticated. In fact, you're dealing with somebody at the bank who's giving you advice on whether or not you should have a fund of some sort set up, and maybe it's registered, maybe it's not registered, and you start to move out of the traditional savings mode, which is money in the bank where you have a savings account. Today, you'd be lucky to get 2% to 3%. So people are looking for other vehicles of investment to grow their capital or grow their little nest egg, if you will. That's why we need to have confidence in the marketplace.

To their credit, the Ontario Securities Commission has gone a long way on the side of trying to educate consumers. So in fairness, this isn't a blame game here. I credit, quite frankly—and you would know, Mr. Speaker—the work done by Jim Flaherty, who was the Minister of Finance under our government. I was fortunate to be his assistant. In that, we looked at the liquidity issues with respect to some of the pension funds. In that discussion, there was a fund—it was an issue that some listeners and some members here may be familiar with—dealing with what they called pension surplus distribution rules. If you start tinkering with pensions, the bells and whistles go off. People should know that pensions are really just a reservoir of capital so that in the future they'll be able to draw an income from it.

Most members yesterday, or in the last couple of days, received a report from OMERS. I encourage members to read it. The OMERS report, on the very second page, shows that they have a deficit, an unfunded liability—the Ontario municipal employee retirement savings plan, a huge fund, probably the second-largest pension fund in Ontario. And we're all talking about the same thing; it's about securities.

This bill specifically is about transfer, but let's talk about the financial marketplace. For those of us who are looking for a pension or some security or some confidence, we need the OSC and the Pension Benefits Act to have some strength and some teeth. If the minister is prepared, as said by his parliamentary assistant, that this is the first of many steps—here's the history on that one file. I had the privilege of doing a report on the pension surplus distribution on a partial windup. The case that I went to the courts—as an observer. I had no role; I should be quite frank. There were members of the fiscal staff, and they were very kind to try to educate me, and often it could be a very difficult job. But in the court proceedings, what was determined was that in this case—it was called the Monsanto case. The Monsanto case was quite technical. In fact, it was saying that Monsanto as an international corporation was not going bankrupt; it was a division that was actually trying to divest itself of a pension fund.

Now, getting into the pension side of it a bit—it's not really technical. There are two types of pensions. One's a

defined-benefit plan, which means the employer—in some cases the employer and the employee—contribute into a fund. They give it to a pension manager who hopefully manages it properly and, at the end of some years or length of service, you're entitled to some kind of payout. The other one, which is the new and emerging one—and in fact I think it's probably the only one that has a future with the types of employment relationships today—would be a defined-contribution plan. That's where I give my \$5 or 5% of my pay and the employer gives their 5%. It goes into a registered pension plan. It's a self-directed plan, generally. I could transfer employs; it's a portable thing—I take the fund with me. Members in this House would know something about that. The fund's performance is up to me to monitor, not some financial planner, some adviser. Technically, it's up to me to intervene, to see if Beutel Goodman is doing well in the marketplace.

The sophisticated investor may not often be up to speed on some of the technicalities, but don't play with fire. This is a marketplace and, as such, if we've seen—I remember one of the cases that came before the pension board, and that case was where one of the public sector funds was over-invested. There are rules about the percentage of their portfolio that can be in one sector, whether it's real estate or financial institutions or the industrial place; they can't be over-contributed to a certain section. If they're over-contributed to a certain section, there are rules that say they have to sell off and diversify so that there's diversity in their fund and it spreads the risk, because if the industrial sector goes down, maybe the high-tech sector goes up or the energy sector goes up—and it's going to go up because of the current McGuinty policies, of course. You'll see a lot of speculation in that market, whether it's the nuclear generators or the wind turbines and those other marketplaces. These pension things are extremely important, and we trust the regulators to oversee these large funds.

In the case I was referring to, the OMERS thing—in fact, if you read page 2, there's a deficit, and if you read going forward, there's a projected deficit. That is a liability based on actuarial assumptions, based on the contribution, the rate of return and the life expectancy.

Now, how does that relate back to this bill? I'm going to read one of the sections here on the general provisions. I'll try to read slowly so I understand it.

“Part I contains the definitions and interpretation provisions that apply throughout the bill. It sets out parameters for the bill's interpretation, imposing an obligation of good faith”—that's pretty soft language, actually—“permitting the variation of the effect of the bill by agreement”—so there's some expectation that there's an agreement here—“providing that the principles of law and equity continue to apply and supplement the bill.” That's pretty fuzzy language, actually. “It deals with the application of the bill to the crown.” In some cases, some people would go to the government to protect their rights. That's our constituents again. It deals with the application of the bill as it affects the crown. “It provides



that rules adopted by a clearing agency prevail over the bill in the event of conflict.”

So there’s some sort of organization that will make decisions about who transferred what assets to whom and where those actual funds are. That’s what you’re trying to do. For instance, if a transaction was international at New York and you get into tax rules and capital gains rules etc., it’s quite technical.

Part II deals with general matters of security and other financial assets, and here it says:

“Part II sets out some basic concepts and rules applicable to securities and other financial assets: it classifies certain obligations and interests as either securities or financial assets, explains the acquisition of financial assets or interests in financial assets, sets out what constitutes and does not constitute notice of an adverse claim and defines what constitutes control of financial assets. Rules for effective endorsements, instructions and entitlement orders are set out” very clearly here. “The warranties that apply in security transactions in both the direct and indirect holding systems are set out. Rules governing the conflict of laws, seizure of securities, the enforceability of contracts and evidence in legal proceedings on securities are set out.” That part of the bill “deals with the liability and status of securities intermediaries as purchasers for value.”

1740

The key thing in there is these agents and their exposure for liability and recourse in the courts—if, for instance, I, as the investor, don’t have some security, or at least if the agent takes off with the money, I’m left holding the bag. If there were stocks purchased or equities purchased or, indeed, it says here, properties, financial assets—it could be fixed property and there could be other instruments of investment. But as you can see by this almost mind-numbing language here—and I don’t blame the minister. This is a technical and legal area.

Mr. Speaker, I look forward to your remarks. When will you be speaking on this? You could give me a signal. Would it be Monday? Just shake your head. I’m looking forward to it because you and I sat on the committee.

I could go on about how this has been studied by experts, and you would know; we heard from them. Purdy Crawford appeared. I think he resides down east. He’s a professor; he’s a well-respected lawyer who practises in the area. His report made a number of recommendations, and very few of them are in here. One of the securities transfer things is one that we agreed with.

What they didn’t deal with—I mentioned it in my earlier remarks and I’m going to make this my summation. In fact, I wish I had a bit more time. Maybe the viewers don’t, but—

*Interjections.*

**The Acting Speaker:** Order, please.

**Mr. O’Toole:** It’s quite an issue. One thing that—and this isn’t criticism. I have every confidence that Mr. Phillips will do the right thing, if he doesn’t run out of time, because we’ll probably be the government in 2007

and we’ll probably carry on with it. The issue there was the role of the Ontario Securities Commission. Look at it as the organization. It’s a government agency, and David Brown, when I was doing work there, was the president and CEO and a very eminently qualified lawyer. I think there’s a new replacement; I just forget his name. It was published and gazetted and there has been no great red ink on it, so it sounds like he’s the right person for the right time in the right job.

The securities commission’s mandate is the regulator. It’s an agency of the government. That regulator is charged with setting up the regulations to govern all these proceedings, rights, liabilities etc., primarily in the interest of the taxpayers, I hope, and to have a properly functioning marketplace. We need to be able to get capital in and out of the market and to make sure the investor is protected in these transactions. That’s not too complicated.

But when they have the role of the regulator—and in many cases, these are highly paid, highly qualified people. There’s a function there of education, as I said before, and I commend them for having an education week for new investors. In fact, I think programs in high school should teach how to learn about the market without actually investing.

The issue I bring to the attention of Minister Phillips, respectfully, is this: You have the regulator; then you have the investigations branch. Somebody says that Nortel or somebody is not behaving appropriately in the marketplace. We’ve seen the Oxley report in the United States, which talks about improper disclosure, writing down of assets, and improper accounting procedures, and there’s been much talk about that. That’s the enforcement group. That would twig them to something happening, whether it’s in Nortel or in, Lord forbid, Research in Motion or one of the more successful companies. Some of them will report late this year, and this is a problem too: a lot of changes in their accounting responsibilities. This is the real issue, in the last minute: the enforcement and the authority to make rulings all under the one administration. As I said earlier, it’s perhaps a bit too close, a bit too collegial, a bit of a conflict. I would like to see an independent—a subrogated organization dealing with making decisions on whether the regulation was at fault, the enforcement, or the investigation proved their case. So that is something that’s not in here. The Wise Persons’ Committee—that was a report that was issued by them. They suggested it. The Purdy Crawford report suggested it, and it’s not here.

Once again, there’s not much in here actually to directly, in this purest case, protect the small investor for their nest egg for the future, so that we can take care of our constituents and the government is doing their job. There’s more work to be done on this and I look forward to our critic Tim Hudak speaking on this bill, because he’s the finance critic. As I said earlier, Greg Sorbara should actually be the minister in this, but he’s got other business at hand.



**The Acting Speaker:** Before I call for questions and comments, I will first call for order. It's kind of loud on that side.

Questions and comments?

**Ms. Horwath:** I quite enjoyed the remarks from the member for Durham. I think he raised some really important issues about Ontario's security system, our structure, the importance of the commission. I think he raised issues that were new to the debate today. In the initial part of his remarks he talked a lot about the need for the commission to educate the consumer so that the consumer is aware. What's that? Caveat emptor? Is that right? Buyer beware? I think that's an important piece of this debate. As we look to further strengthening confidence in our markets, in the Ontario perspective anyway, education is a big, important piece of that.

He also raised some issues that are near and dear to my heart, particularly the issue of pensions and the Monsanto decision on distribution of surplus funds and on partial wind-up. I don't think he actually ever articulated what the final decision was, and it was quite a interesting one, which was that the pension surpluses were considered to be, and are to this day considered to be, workers' dollars. They're dollars that workers have set aside as deferred wages in their pension plans, and on wind-up or partial wind-up of any pension plan, those surpluses, or anything that's there, that value goes to the workers. I think that's an important thing that needs to be articulated.

I also think it's important to put a different opinion or a different perspective on the table with regard to the member's comments around defined benefit versus defined contribution plans. Quite frankly, although it's the trend now to support defined contribution, really the only thing that guarantees a decent quality of life, at the end of the day, is a defined benefit, because you know what you're going to be getting upon retirement.

**Mrs. Sandals:** I'm pleased to comment on the speech by the member from Durham on Bill 41, the Securities Transfer Act. As the member mentioned, this is a very technical bill. It's about the rules that a variety of institutions and corporations need to follow as they transfer what are broadly known as securities. The legislation has not been updated for 20 years, which means, I think, that two significant things have happened. Obviously, we've gone from a largely paper-based business system to a largely electronic-based system. One of the primary focuses of this bill is to allow the securities transfer institutions to update the rules so that we are recognizing what is current business practice, which is that most business takes place electronically, not with people handing a paper from one person to the next. So this act is very much focused around the rules we need to put in place to ensure secure electronic transfer of securities.

But the other thing that has happened is that more and more security transfers that happen in Ontario are either cross-border in terms of crossing to the US or cross-border in terms of crossing borders within Canada. At the moment, we have different security transfer legislation in

the US and in each of the provinces in Canada. In fact, the US is already largely aligned. All 50 states have uniform legislation. One of the goals of this is to bring Ontario first and then, hopefully, other provinces into a North American common regime. This act is a step in that direction.

1750

**Mr. Hudak:** I'm pleased to rise and offer some comments. My colleague, the member for Durham, always impresses me with his ability to spontaneously come forward with very coherent, cogent, well-reasoned, compelling, engaging remarks, to say the least. He certainly revived the energy level in the House as he held forth on Bill 41, the Securities Transfer Act, 2005. My colleague from Durham said it quite well—actually, no; he was too modest. We should say on the record that my colleague from Durham was involved at a very early stage in dealing with securities transfer issues as parliamentary assistant to the then Finance Minister, Jim Flaherty, if I recall. I remember Mr. O'Toole presenting to the then governing PC caucus about the importance of this initiative. He had done some research in this regard that helped to inform the Purdy Crawford process that followed up, and now we see this legislation coming forward. So my colleague, who spontaneously came up with some compelling remarks and insight into the bill, did so because of his past work in this area, and he's convinced me to delve into this legislation even more than I have to date.

The other points raised by my colleagues are important as well. We're in a different world when it comes to transactions, with the vast percentage, if not all, done electronically. The time to move on from paper-based has actually happened in the business world, and it's important for our legislation to keep up and make sure that the protection is in place for consumers and for investors and to recognize that 2006 is a heck of a lot different than 1906. It's no longer the ticker tape. We're in an electronic world, and Bill 41 will help us catch up.

**Mr. Bisson:** I'm really looking forward to having an opportunity myself to participate in this debate, and it is coming. It's probably not going to be today—probably the day after—but I want to comment on a few things.

Generally, I agree with the member that we can support a lot of what's in this legislation. I think there are some things that we would like to propose as New Democrats that should be additions to this, and we'll go through that in a little more detail when I get a chance to debate this particular bill.

I think the overall general comment I would like to make is that there really needs to be—and I said this earlier—a sense of confidence for people when it comes to investing. There have been far too many scandals out in the marketplace where people have absconded with all kind of funds. There have been all kinds of shenanigans. You see the CEO of Enron and others who are going to jail for having pilfered the company or fixed the company books. The effect that has at the end of the day is that little old investors sitting back in the communities that we represent say to themselves, "Well, there was a



day when I used to have a defined pension plan. I used to be able to dream that one day I would retire and I'd get X amount of dollars every month and I could budget on that." But over the years, not only governments but employers have gotten rid of defined pension plans, as they did in this Legislature, and people are having to resort to the whole issue—

*Interjection.*

**Mr. Bisson:** Shame on Mike Harris. I'll never vote for him again because of that.

Anyway, what's happened is that many people have now converted to plans where they buy investments in the stock market, RRSP-type plans, and they are really worried. They say to themselves, "Not only am I open to the whims of the market, maybe making money on the \$3,000, \$4,000 or \$5,000 a year that you put into the market through RRSPs, but look at these kinds of Enron situations. What does that mean for me when I come to retire?" We need to make sure that we do what's necessary, at the very least, to protect the small amount of money that people will get.

I still believe that we should go to a defined pension plan. That would be the best way to go.

**The Acting Speaker:** The member for Durham.

**Mr. O'Toole:** I would like to thank the member from Hamilton East. Her comment "caveat emptor" is something we should all observe.

The member for Guelph–Wellington, of course, is quite versed on this issue.

The member for Erie–Lincoln is always eloquent and always informed.

To the member for Timmins–James Bay, I'm anxious to hear his remarks as well, protecting the constituents in Timmins, who are probably invested in minerals and mining, which is probably one of the more risky areas, if you want to get down to it.

In the very limited time that's left here, there are just a couple of small things to bring some clarity to it. We're

talking about section 33 of the bill, and it talks about warrants applicable to direct holdings:

"Warranties on transfer of certificated security"—that is, I actually have the piece of paper, the document, the official stock, the equity certificate, which is endorsed. Here's the issue:

"A person who transfers a certificated security to a purchaser for value warrants to the purchaser and, if the transfer is by endorsement, also warrants to any subsequent purchaser, that,

"(a) the security is genuine" and has not been materially altered;

"(b) the transferer does not know of any impairment of viability of the security;

"(c) there is no adverse claim to the security;

"(d) the transfer does not violate any restriction on the transfer," and it goes on.

Uncertificated security: "A person who originates an instruction for registration of transfer of an uncertificated security to a purchaser for value warrants to the purchaser that,

"(a) the instruction is made by the appropriate person or, if the instruction is made by an agent, the agent has actual authority"—that the security is valid. So when these transactions occur, is there a real asset that is being transferred between parties, and is there an agent who can certify and verify that there is, somewhere, a security, either held or not held? That's why this bill is very technical. So I encourage members, on behalf of their constituents, to listen to the debate on this. Hopefully, as they move forward—we move into a more uncertain investment climate, and we need to be keeping our eye on it.

**The Acting Speaker:** It being nearly 6 of the clock, and inasmuch as there's going to be a further legislative hearing this evening, this House stands recessed until 6:45.

*The House adjourned at 1756.*

*Evening meeting reported in volume B.*

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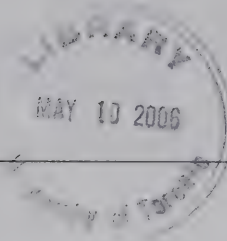
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## Assemblée législative de l'Ontario

Deuxième session, 38<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Wednesday 26 April 2006

Mercredi 26 avril 2006

Speaker  
Honourable Michael A. Brown

Président  
L'honorable Michael A. Brown

Clerk  
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# LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 26 April 2006

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 26 avril 2006

*The House met at 1845.*

## ORDERS OF THE DAY

### PLANNING AND CONSERVATION LAND STATUTE LAW AMENDMENT ACT, 2006

### LOI DE 2006 MODIFIANT DES LOIS EN CE QUI A TRAIT À L'AMÉNAGEMENT DU TERRITOIRE ET AUX TERRES PROTÉGÉES

Resuming the debate adjourned on April 24, 2006, on the motion for second reading of Bill 51, An Act to amend the Planning Act and the Conservation Land Act and to make related amendments to other Acts / *Projet de loi 51, Loi modifiant la Loi sur l'aménagement du territoire et la Loi sur les terres protégées et apportant des modifications connexes à d'autres lois.*

**The Deputy Speaker (Mr. Bruce Crozier):** Further debate? The member for Durham.

**Mr. John O'Toole (Durham):** I've been looking forward to this opportunity, perhaps earlier than I was expecting. I would say that this particular bill, Bill 51, An Act to amend the Planning Act and the Conservation Land Act and to make related amendments to other Acts, is almost very much an omnibus type of bill. Quite frankly, much of this has been a debate for some time. I'd say in planning policy, direction and certainty, it is certainly an important bill. The reason is that it sort of expunges all authority or all decision-making from the local level. In my privilege to serve publicly, I always think of the famous quote from Tip O'Neill, who once said, "All politics is local." In fact to me, the very word "politics" means that elected people, whether locally, regionally, provincially or federally, should try to represent the views of their constituents at the level of government they're at. As such, Bill 51 is really uploading more powers to the government and it's actually downloading responsibility to the local level. That pretty well sums it up.

I want to expand on that, Mr. Speaker, with your indulgence. Primarily, I would draw to your attention that when we were in government—and, in fairness, this is the essence of the debate here—we looked at what the NDP had done in the Sewell commission. The Sewell commission, at the time when I was a local and regional

councillor, went through a very profound kind of consultative process about looking at planning, looking at the future, looking at certainty and having some direction. I should mention in this context—a little off topic, maybe a deflection—the sad departure of Jane Jacobs, who was a great commentator on urban development and urban development issues—the death of the city, I suspect. I heard John Sewell talking about it. I go back to the time when Sewell did the commission report. In fact, he probably consulted with Jane Jacobs to get her input. She probably wrote the report. But the real thing is that they tried to have one size fits all. I went to many of the Sewell consultations, because I was a regional councillor at the time in Durham, and one of the recommendations they were very close to making was that they were going to eliminate septic tanks. You couldn't have a septic tank on a property. But little did he know that in a great part of your riding, Mr. Speaker, most of the private services would be a septic tank. He was going to disallow that to happen, and rural Ontario once again would be ignored.

**Mr. Richard Patten (Ottawa Centre):** It was for apartments.  
1850

**Mr. O'Toole:** Richard, you would know that. That was part of the Sewell commission, which was eventually removed from the final report, but it set the tone for the one size fits all, Father Knows Best, the government knows best, and we're back to Dalton McGuinty's version of the same thing. In fact, if you really drill down on this, it's almost—and I'm not one of the grassy knoll theorists. I'd say this, though: If I look at three bills that cause me to be seriously paying attention to the real agenda of the McGuinty government—I'm not trying to raise alarms artificially, but there are three bills specifically that I can't delink or decouple from the debate. First of all, we had the greenbelt, and our critic at the time, Tim Hudak, the member from Erie-Lincoln, made a very good argument about the science of the greenbelt legislation versus the political science. And we heard a comment yesterday, a very valid question raised in the media, about the disgruntled nature; that the former mayor of Pickering, Wayne Arthurs, the member here, and his predecessor, his good friend—

**Mr. Wayne Arthurs (Pickering-Ajax-Uxbridge):** Very happy.

**Mr. O'Toole:** —very happy—Dave Ryan are opposed to the greenbelt. They're both Liberals, and I mean that in complimentary fashion. Wayne is doing a great service to his community, but they have some disagreement; let's



put it that way. Wayne, is that not true, that you're representing your riding as effectively as you can—

**Mr. Arthurs:** Every day, all day.

**Mr. O'Toole:** —even though you're in the backbench, much like I am. What I'm saying here is that Dave Ryan, the mayor of Pickering, said in the paper that it just simply doesn't make sense. Some of the science, political science, in Ajax-Pickering—Steve Parish, the mayor of Ajax, says it should be protected at all costs, irrespective of property rights and other issues. The mayor of Whitby is sitting on the fence, because he knows that eventually the 407 link is going to go right through there. What they've done to that farming operation—this may sound a bit local, but this is about Bill 51. It's driving it down to what people can digest. It's driving it down to what really matters to people. I can think of a particular farm at a particular location, Lakeridge 23. Drive out there and see. It's a beautiful part of the riding. It's in the Oak Ridges moraine. I appreciate that. I want to maintain it, and all the rest of that motherhood stuff. I don't say that disparagingly; I just say you're hiding behind the shield of motherhood statements.

How does this apply to Bill 51? In this case, the greenbelt, as I'm trying to suggest, is one bill that leads me to think that they have a master plan. Somebody does; probably more at the civil service level. That's no disrespect to the hard work and important work they do, and they probably do know best. If this was perfect, if this democracy process and the debate process were perfect, we'd all be in paradise after 2,000 years. So it isn't perfect and there isn't a one-size-fits-all solution, however ideal that outcome would be.

But we have the greenbelt and, yes, there's a lot of outrage. It's people's valued land. They can't sever a lot. Agriculture is in crisis and there's urban encroachment on to primary, class 1 agricultural land. We should recognize and prohibit that to the greatest extent possible, and I mean that quite strongly. Then we have these issues where there is no science to support the decision by the minister, Mr. Gerretsen, and, quite frankly, at the end of the day, this is his bill.

How does this apply to Bill 51? Well, here is what it says in the provincial policy statements. The age-old debate, right from the Sewell commission to this present day, has been an argument between municipalities, which represent and are duly elected to represent the interests of constituents—not just developers, not just people, not just farmers—the people of the province in their jurisdictions.

We changed the original planning bill under—how would you refer to Bob Rae now? Liberal, former NDP leader, Premier of the province? Bob Rae is an excellent guy. I probably would support him, quite frankly. I say that publicly on the record. His piece of work on post-secondary reform—you've got to watch that presentation he made for the David Smith Award, the COU award. I have a copy of that video; it's worth seeing. He says things in there that are quite scary. It's worth reviewing, Liz. I would encourage you to.

But here's the point: In the NDP report, they said they must "be consistent with" policy statements on wetlands, sensitive areas etc. We changed that, to great uproar from John Sewell and others, and probably my good friend Peter, the newest member of the NDP caucus. He was probably out there with his picket signs and everything. Good. That's important; that's democracy. We changed it to "have regard to," which meant that the official planners, the mayors, the regional councillors, the regional chairs, those local people who are close—and I was one of them. I enjoyed the privilege of representing the people at that level; closer to the people and having regard to their input. Not their influence, their input. But we changed it to "have regard to" from "consistent." Now, it sounds to the viewer, to the listener or the reader of Hansard rather an innocuous comment, but it's the whole essence of this debate because the province is now going to say, "Thou shalt do the following," period, end of statement; no appeal, no liability going forward on the part of the minister, on the part of anyone who said, "Thou shalt not farm anymore." We see it in the particular issue with the First Nations people where there's some conflict of who has jurisdiction, etc., but it is about planning and planning principles for all Ontarians. I don't need to comment with respect to what the mayor said, but I'd just say, that's what the essence of the bill is about.

How does it apply to my riding of Durham? I've told you that the farm that's on Lakeridge Road at Rossland Road, one side of the road is urban, the other is greenbelt and the services are right there. There's a little strip of land, and it's not just unique to that boundary between Whitby; there's more to it. If you just turn the page and follow along with me in the hymnbook here, the real issue is Highway 407 going east from where it currently is. It's an eastern expansion just at the north part of Durham—at Brougham, actually. They have no decision yet at the regional level or the provincial level on that link road that would take you from the 407 down to the 401. That's the issue.

What they've done is this: The greenbelt bill allows the minister to exempt expropriation for government purposes by minister's order. So they're going to say, "We're going to expropriate this greenbelt land," which has no value now. There's no commercial or residential zoning value, so they're going to expropriate it, because it's a provincial interest area, to put a link down there. Pity that farmer who's been struggling for generation after generation. They're going to take the land from him for nothing. That's Big Brother. That's the suspicion.

The link I'm making here is, the greenbelt was one piece, Bill 51 is another piece, and I'm telling you, the third shoe—this is a three-legged monster here. The third shoe to drop is Bill 43. I'm not a conspiracy theorist or a grassy knoll theorist, but here's the point: Bill 43 is the source water protection act.

I was a member of the caucus and cabinet member on environment and energy and saw the O'Connor report and some of the ministry recommendations. If you read Bill 43, it's implicated in this overall, rather complex



alignment of policies: water policies, land use policies in the greenbelt, and Bill 51. So we have the triumvirate marriage of uncomfortable cousins, in my view.

How does it affect Durham? There are four or five areas of adequate appeal on purely scientific and planning principles that now, under this bill and under the greenbelt bill, are unable to have any mechanism to appeal for 10 years. What does that actually do? It dries up opportunities for people to build homes. We talk about housing and affordable housing. They're drying up the affordability of land by the very nature of this bill, and I have only discussed the very periphery of this bill. But it gives you a symptom. There must be a disease; there must be a more serious ailment here if I can only talk to one principle and raise your concerns to a level where there are certainly some questions that need to be asked.

I'm only comforted on this bill because I do listen to Roger Anderson and to former Mayor Arthurs, now the Liberal member for Pickering-Ajax-Uxbridge—a good member. In fact, I was pleased to attend a meeting with him last night recognizing volunteers in my riding. I commend the ministers here tonight. It was an extremely joyous event in the lives of some 160 volunteers who have built our communities. Just consider that these are the same people we're representing in my riding. It could indeed be the O'Connor family who, for generations, have grown the food that you bought at the store and put on your table for your children.

**1900**

Make this human. Don't just make this a bureaucratic ramble about opportunities. All I'm saying here is, if I see this implication for my riding of Durham, which I live in and which I love—because I represent the people there. The province has several discussion papers or policy direction statements. One of them is the Places to Grow document. I don't have it with me, unfortunately—I thought there was someone else going to speak ahead of me—but I've had a quick look at it, and it doesn't identify Durham as a place to grow, technically. And if you look at some of the policy, some of this is a bit—I think I've established the relationship between the greenbelt, Bill 51 and Bill 43, how there is really a theory here to put more people on less land, living intensely and paying more for everything—more energy, more taxes; paying more and getting less. So it really does fit into the overall theme of what I consider the Dalton pressure to give people less quality of life and pay more for less.

I can convince you that not only did they waste the \$3 billion in the budget; they're ignoring the growth parts of Ontario. Not just in health care; let's just look at the more immediate issue. I questioned the minister today about his lack of a plan for transit. There are 500,000-plus people living in Durham. Many of them are young families. Where have they come from? From other parts of Ontario—maybe expensive urban areas in Toronto. Affordable shelter? Yeah, right. In Toronto? It isn't affordable, period. I don't care who's paying; it's not affordable. So they're moving to Durham. The inad-

equat amount of developable space—because of the red tape and bureaucracy of this government, there's less land available for development. So what happens to the available land? It goes up in price.

I went looking for homes this week in Bowmanville and in Courtice. There isn't a reasonable, modest subdivision home for under \$300,000. That's unconscionable for me. We're reasonably well paid. I think we're adequately paid here; I think the feds are paid too much. I can't imagine people paying \$300,000 and \$400,000 for a first home. Look at the real estate reports. The interest rate went up a quarter yesterday. Imagine the dilemma facing you when you've got the taxes going up, the assessment going up, the energy going up, the gas going up to get to work, and no GO Transit. As a matter of fact, all the reports on transit to help these people to get to "places to grow"—and the acting Sergeant at Arms well knows that to commute from Durham, as I and many of my constituents do—how does that relate to this? It's very much related, because building infrastructure, physical and human, is about having opportunities. But not only that, there's nothing in this about transit.

This smart bill that the minister introduced the other day is a complete tragedy. It's a tragedy. It's a travesty. In fact, it's hollow. There's no money, no power; it's planning. After the budget, when they announced all this money for transit and that, I looked at it and the remarks in the media were saying that Durham region was ignored. There are 500,000 people, one of the fastest-growing areas in the province, and it comes down to this: There is no plan that we're actually revealing to the people of Ontario. In fact, the argument I put on Bill 51 tonight is this: There really is a plan, and you want to be very concerned and you want to pay very close attention. There's the greenbelt bill, which basically is expropriation without compensation. I think we started that with the Oak Ridges moraine and the work done by the NDP in 1993 looking at the Oak Ridges moraine and the shadow area. The greenbelt is part of the continuation of the Oak Ridges moraine. The Oak Ridges moraine is important because the other part of that is source water protection, Bill 43. Not only will you not be able to do anything; the water-taking permits are being reviewed. If you are a farmer and have a source well on your property, you can't farm there anymore. I put to you that eventually you will be paying for the water on your farm and in your well. You will have a meter on it and you will be paying for it.

**Mr. John Wilkinson (Perth-Middlesex):** That is just not right.

**Mr. O'Toole:** No, that is actually—the member from Stratford, Mr. Wilkinson, is saying that it's not right. I want to put that in Hansard, that Mr. Wilkinson said that's not right. I think he will live long enough to see that you are going to be accountable for the decisions you're making, because clearly you mustn't understand or you mustn't appreciate the implications that I'm trying to relate.



So they've got you in handcuffs; you're paying more, getting less; they're not being forthright; and they're forcing municipalities to comply, to have consistency with the planning policies which they're setting in the backroom, technically. It does nothing for Durham. I can only attest with any accuracy to the pressures on those families, the public transit infrastructure, the gridlock I see every day. They're paying \$5,000 a year, after tax, to commute to a job in Toronto, and more if it's in Mississauga or York. That's \$5,000, and you've got to earn \$10 to spend \$5 with the tax rules. If it's a young married family who's doing it, it's costing them \$10,000 a year, and you call that affordable housing.

This bill in many respects has to go to committee. I'm going soft because I recognize that it's going to the general government committee. Respectfully, I understand the minister is trying to do the right thing, but you've got to respect the roles, duties and responsibilities of locally and regionally elected members. Most members here have served locally or regionally and they know that they have the wish to meet the needs of their community.

Father Knows Best, Dalton McGuinty, thinks he's the only one who knows best, and this bill and the other two bills—the greenbelt and source water—are proof evident that they have a master plan. This government needs to be held more accountable, not just here in the Legislature, but the people of Ontario need to be put on full alert. Let's slow down and be more transparent, as they promised during the election, and this is a good bill to start with. The city of Toronto is another bill. It's about raising taxes. That's what Bill 53 is about. Pay attention. "Pay more, get less," that's the McGuinty—

**The Deputy Speaker:** Thank you. Questions and comments?

**Mr. Patten:** I rise spontaneously, because I find that the theatrics and statements made by the member from Durham—he always has sidebars that add tongue-in-cheek statements. But he made the statement that this was a bill that would undercut municipal authority somewhat. He knows two things, because he made reference to them: He knows that the purpose of the greenbelt bill was obviously to protect much of what we have in our natural environment, our agricultural lands, and that we don't want to pave over all of southern Ontario. The source water protection, when we look at the threat—it's not a threat. The actual fact is that we have to do something about the polluted water that we have to live with and sometimes even drink.

More specifically related to this bill, in terms of one major aspect related to the Ontario Municipal Board, the attempt is to have it not be such a planning body as it has been, tampering with the plans of municipalities, but indeed to play more of an appellate role, to take a look at what is happening there. If there is new information that appears from a developer by appeal, then they refer it back to the municipality for the first time, rather than making a split decision. If in fact they must take into regard the decision-making of the particular municipality,

which would obviously be in dispute with the body—usually it's a developer that is there—the information that is being looked at has to be consistent with the proposed efforts of the process in the official plan of the municipalities. That will play a much stronger role in that whole process.

**Mr. Gerry Martiniuk (Cambridge):** It's always my pleasure to hear from my friend from Durham. I should know, because for 10 years I've listened to the member for Durham expose much of the stuff that goes on around here. His thesis is intriguing and it shows a great deal of validity.

There was one other time where the government expropriated land cheaply via the planning process, and that was after Hurricane Hazel. The result of that was excellent for the majority of the public, because we bought land cheap and we ended up with beautiful parks throughout our province. In my area in particular, the conservation authority was created after Hurricane Hazel.

**Hon. Mike Colle (Minister of Citizenship and Immigration):** In 1956, wasn't it?

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**Mr. Martiniuk:** Yes, and the flood plain—

*Interjection.*

**Mr. Martiniuk:** I bet you could tell me what you were doing that night, but we won't get into that.

The point is that the planning process is an extremely harsh economic weapon when used by the central government, and that's what's happening here. This bill centralizes to a great extent the planning process. Basically what it does is end the dream of suburbia. Whether that was a good dream or a bad dream is something we'll be discussing, but everyone wanted to have a place in the suburbs with a white-painted fence. For some reason, perhaps that has become too expensive. I don't understand why. I thought we were richer than we were a few years ago, but all of a sudden perhaps it is too expensive, and that's what we're discussing in this bill.

**Mr. Wilkinson:** I know that we're speaking on Bill 51. I saw that the member who was speaking, my friend the member from Durham, was talking about Bill 43. Just so we go on the record, let's be very clear: There is a myth out there that has been perpetrated by some in this province that somehow the Clean Water Act has some reference that people with private wells will have them metered. I can tell you that is completely, utterly false. I can say to those people who are perpetrating this myth that they merely have to look at the bill, they merely have to have the assurance of our Minister of the Environment, the Honourable Laurel Broten. That itself I find to be a great fallacy. I respect the member's opinion, but in this case it's unfounded and I think it's very important that someone from our side of the House correct that.

In regard to the bill that we're discussing this evening, sometimes there's time for action. When you're in the government you're faced with problems, you work through solutions, like our good minister has done, and you present to this House the solution of our government. Some people will stand in their place—remarkably, I



think—and vote against this bill for some small reason. But I believe that the vast majority of us here realize that these are necessary amendments, that this is something that our society has been calling for. It's important that we modernize this. When I listened to the minister explain this, I myself found a great deal of comfort in the bill and its ability to weigh both issues, to be able to arrive at a balance. That always is the requirement of government.

There are people, as I said, who will perpetrate myths about bills. Bill 51 is one that perhaps isn't as high on the radar with the good people of Ontario as others, but it's something that's necessary and I'm glad that this evening we're debating it and that we'll move this forward.

**The Deputy Speaker:** Questions and comments?

The member for Durham, you have two minutes to respond.

**Mr. O'Toole:** Thank you to the members for Ottawa Centre, Cambridge and Perth—Middlesex. I do want to make sure that this is a place of debate and to bring clarification to a bill, but I'm just going to read one small section of the bill to alert members to what is to be expected. I'm not trying to be overarching or imposing on you, but you are new and I recognize that I, after 10 years, have learned. I'm not preaching to you, because there are implications in this bill drafted by senior policy people. Here's what it says. These are amendments to the Conservation Land Act and this is the link, this is how it's a triumvirate of issues that I've tried to bring out: "The purposes for which conservation easements and covenants may be established under the Conservation Land Act are expanded to include protection of water quality and quantity, watershed protection and management, and further purposes that may be added by regulation. Technical amendments are made to facilitate the creation and preservation of conservation easements...." And those easements are covenants on the land which expropriate your use; you have the right to pay the taxes.

It's in this guarded language of regulation where much of this bill—and that's why it's so important to have full hearings on it in general government: to have full disclosure so that there's no uncertainty on the issues that I'm bringing forward. But I have you on the record as saying—and you did act as the minister when Ms. Broten was with child; I think you did a very good job, at least theatrically. I would say to you that this bill, in my view, is something we should be very concerned about. In essence, it's doing the right thing, protecting all of our common uses, the public land use issues, and rights and responsibilities, but there is more to it when it imposes McGuinty's will on the people of Ontario without the mandate to do that.

**The Deputy Speaker:** Further debate?

**Mr. Peter Kormos (Niagara Centre):** Before the evening's over, Peter Tabuns, a member of the NDP caucus, representing the riding of Toronto—Danforth, is going to be addressing this bill as well.

I want to make note of the fact that at this very moment, not a single member present in the assembly is

playing with a BlackBerry. That is a remarkable event, worthy of note. I don't know whether it's because the system is down or we've got people in the program in withdrawal. Is there such thing as a BlackBerry patch that you wear while you're trying to recover? Or maybe it's just carpal tunnel of the thumbs, because Lord knows, at the end of the day, it can't be good for you. But as I say—

**Mr. David Oraziotti (Sault Ste. Marie):** I've got mine out. I'll send you an email.

**Mr. Kormos:** There's the member for Sault Ste. Marie playing with his BlackBerry. Lord knows what he's looking at on it, but the fixed gaze sure causes concern. That red-letter moment sure was transitory, wasn't it, Speaker?

I want to thank Colin Chambers on our research staff for giving me a précis of the bill and its impact and, quite frankly, some speaking notes. I appreciate that. From time to time, when the Speaker stands and says to the member for Niagara Centre—that's me—"Will you please speak to Bill 51," I'm going to turn to the next page of the very valuable speaking notes that Mr. Chambers provided for me.

We're talking about this bill in the context of the aftermath of the death, of course, of Jane Jacobs, a tremendous Canadian. She was born in the United States and came here during the Vietnam War. She was just a tremendous light in the context of that postwar sprawl and development that took place in North America. I want to take this opportunity, in the context of this speech, to pay tribute to that wonderful woman.

I read the New York Times obituary on the Internet. It was a four-pager in terms of Internet pages. I tell you, that places her in the ranks of presidents. The New York Times obituary is as good a measure of one's worth as anything can be, after the fact, of course, after one's death. So I just found it truly remarkable.

At the beginning of her activist career, she was an activist in Greenwich Village. That was her home base down in New York City, where she grew up, where she lived and where she was drawn into writing, first magazine articles for high-quality American magazines and then of course she became a writer. She was an autodidact, and that in itself is remarkable, considering that she had just an incredible ability to comprehend, to analyze, to put things together and to confront the iconic beliefs of the day in a way that drew people to her. She had a remarkable magnetic appeal. As one of her American protagonists during the wars over development in New York City said, "Trust me, she's no sweet old lady." That was then the image that she portrayed. She's certainly one of the people who people should read, to understand where she was coming from.

I've got to tell you, I'm a fan of one other writer, and some of you will have read him. He's an architect. He taught at McGill for a while. It's Witold Rybczynski, who wrote *Waiting for the Weekend*. But in terms of urban design he wrote—and this isn't the exact title—the *City*; it's part of the title. His stuff is remarkably read-



able. So if people are like me, you don't have to be a PhD kind of person to read this stuff, notwithstanding that they're brilliant people.

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Rybczynski, in his book about the city, contrasts the North American city model, primarily American, with the traditional European city model. Most of us, blessed now with the ability to travel, have seen the kinds of cities that he's talking about, whether it's the old inner cities of Rome or any part of Italy or eastern Europe, where my family is from, anywhere where the concept of a front yard is alien. The front door is right there on the sidewalk and, of course, the interaction with the community, even passers-by, because passers-by are not just peering into your living room, they're walking right by your living room while you're sitting there doing whatever it is you want to do, writing, reading or watching television. Anyway, Witold Rybczynski, in his book about cities and city design—it's incredibly useful. I've actually commended it most recently. The St. Catharines Labour Council had a seminar for people who wanted to run for city council, and I urged them to read it in anticipation of being candidates. It's applicable to big cities and small towns.

Here for a moment I refer to Colin Chambers's briefing notes, his speaking notes on the bill, because we acknowledge that OMB reform is in and of itself a noble objective. Our concern, of course, is whether or not this bill constitutes any real, meaningful reform. One of the things the bill purports to do is to address the perception that the OMB is basically a pro-development body and that's why we have to give cities more authority, more control over development. Am I fair in that observation, Peter Tabuns? I think I am, aren't I? The problem is, if the OMB is viewed as a pro-developer body, then let's change the standards and the rules and let's change the kind of people who get appointed to the OMB. Because, you see, the problem is folks down in Port Dalhousie, part of St. Catharines—you know, Port Dalhousie, with the five-cent carousel? The old ferry used to travel back and forth from Toronto to Port Dalhousie well into the 1950s. As a matter of fact, the trolley, the rail car, used to go from Port Colborne through Welland. It crossed the Welland River on a wood trestle bridge, because that's where the Welland trolley station was, and its destination was Port Dalhousie on the north side of the Niagara region, all the way from Port Colborne. Of course, Port Dalhousie was a destination in the 1940s and still into the 1950s for young people—outdoor dances, those types of events. The beach was clean at the time; people used to go to the beach. The trolley ride was very inexpensive and, of course, very environmental. It was before people owned a whole lot of cars.

Now, the folks in Port Dalhousie are confronted by a developer. Port Dalhousie is a beautiful piece of beachside, lakeside property on Lake Ontario, the south shore of Lake Ontario. I make no judgment, because it's not my affair, it's not my matter, it's not in my riding. It's in Mr. Bradley's riding. It's the city council in St.

Catharines that makes decisions about zoning and the types of development that it's going to encourage and/or permit. At the same time, it's about the people who live there, who are saying no to the prospect of condo high-rises in old, small-town Port Dalhousie. It's not quite—dare I say this?—as upscale as Niagara-on-the-Lake, but it certainly is as quaint and villagey in its feel, in a sense, as Niagara-on-the-Lake. It may not be quite as big as Niagara-on-the-Lake, either, in terms of acreage. So, you see, when the government says, "Give cities more power," there are groups like the citizens' group fighting back against the Port Dalhousie development proposal who would say, "Gosh, golly, no. Give us more access to an appellate body that's going to hear thoroughly our appeal from a decision of, let's say, a city council." What's remarkable about this bill, Bill 51, is how it eliminates the historic role of the OMB as conducting what I think lawyers like Mr. Martiniuk would call trials *de novo*. In other words, historically you could put new evidence before the OMB and it would reconsider all of the evidence that had been heard in the initial instance by the city council, for instance. Most citizens' groups concerned about, let's say, a big box store, a Wal-Mart moving in—because, boy, when Wal-Mart moves in, does that ever mobilize and generate people's attention.

I've got to tell you, I'm from down in Niagara region and I was taken over to Niagara Falls, New York, last summer—I can't remember the name—to a very popular shopping plaza; it was one of the earlier ones from the mid-1960s. A Wal-Mart had just recently been constructed a mile down the road, and this apparently is a phenomenon that's occurring across the United States. This huge, for its day, mall is now pockmarked. It's like bombed-out Beirut. It's just abandoned. So you've got acres and acres of asphalt that's buckled and caving in and there are weeds growing up through it. You've got this building that has a couple of pinball arcades and a couple of dingy coffee shops in it and the inevitable characters hanging around the parking lot and the interior.

That's what happens. These things aren't designed, apparently, to have very much of a lifespan. Once they've exhausted their profit potential and/or once a Wal-Mart moves in, like the biggest Hoover vacuum you ever saw, the biggest Shop-Vac you ever handled, it just sucks all the life out of one little commercial area—a mall—and then ships it over to the new destination. So it's not just that shopping malls have drawn the life out of downtowns, especially small-town Ontario, like where I come from, but this is whole regions, this is acres and acres and acres that become ghost land, ghost towns, empty, ineffective.

So I understand how Wal-Marts scare the daylight out of smaller-town Ontario. They have huge purchasing capacity, as you well know, and labour relations practices that aren't very attractive or enviable, nothing worth bragging about. Remember in the United States—this was last year. We checked and it didn't happen in Canada, thank goodness. During inventory, Wal-Mart



was literally—you could bring people in to do an inventory overnight, but they were locking the doors from the outside. They were locking people in the Wal-Mart to avoid so-called shrinkage or theft of items. Here were workers being locked in, like a lock-down at Millhaven when the guards discover a knife or a sharpened screwdriver in one of the cells or a riot is about to erupt, so they lock everybody down. Here are workers—minimum wage workers—being locked in. That's Wal-Mart.

But I make no judgment—of course, I do. Give me Canadian Tire any day. I don't see why we should be putting profits into a family-owned enterprise down in the southern United States. Let's keep our money in Canada.

But anyway, Bill 51 is going to prevent the OMB from conducting a trial de novo. Let me explain why that has implications for citizens' groups, neighbourhood groups. I'll tell you why, Minister, and I appreciate you being here. You show a commitment to your legislation. I'm talking about the Minister of Municipal Affairs, Mr. Gerretsen, who's here in the chamber. We don't always see that. I've had occasion to note from time to time, more often than not, the absence of a minister or parliamentary assistant.

**Hon. John Gerretsen (Minister of Municipal Affairs and Housing):** Not this government.

**Mr. Kormos:** Oh, yes, Mr. Gerretsen, your colleagues. But I give you credit for showing stewardship of your bill through the second reading process and I commend you for being here this evening, late into the night. Mind you, it looks a little lonely over there. One, two, three, four, five, six, seven, eight, nine, 10—the minute Mr. Martiniuk leaves, we don't have a quorum. So as long as Mr. Martiniuk is here, I'm not going to call quorum, but the minute Mr. Martiniuk leaves, we're going to do a quorum call.

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The problem with the inability for the OMB to do a trial de novo—Mr. Hudak comes in and makes quorum, and now Mr. Hudak's gone, so here we go again: quorum is lost—is that most citizens' groups mobilize and present a lay perspective to their city council, for instance, when there's a debate over a development. It's only once they go to the OMB that they organize more thoroughly, that they hold the fundraisers, that they hire the experts, deliver the expert evidence etc. This bill, Bill 51, is going to prohibit that, because an appellant will not be able to ask the OMB to rely upon evidence that wasn't tendered to the municipal council. That's an extremely unfair restriction that is going to create huge injustices. It's for that reason alone that we in the NDP have tremendous concern about the bill. We're going to do our best at the committee level, because we expect this bill to go to committee—we're going to make sure it goes to committee. We're going to deny it third reading unless and until it goes to committee.

I think there should be committee hearings with respect to this bill not just here in Toronto, because—and

Mr. Levac knows this as well as I do—there's more to the province of Ontario than the intersection of Yonge and Bloor. Small-town and smaller-town Ontario, communities like Brantford, Port Colborne, Welland, Thorold, Pelham, St. Catharines, Niagara-on-the-Lake—

**Mr. Tim Hudak (Erie-Lincoln):** How about Wainfleet?

**Mr. Kormos:** —and Wainfleet, great Wainfleet, have different interests, different needs, different expectations and different pressures than big-city Ontario.

The committee that seeks public input into this bill and, again, consideration of just how fair it is to deny appellants a trial de novo with the opportunity to introduce new evidence—how fair is that to citizens' groups that Mr. Levac sees from time to time develop in his community, that Mr. Hudak sees from time to time develop in the communities he represents, that I certainly see? And I'm overjoyed when I see citizens mobilizing like that. How fair is it to deny them the opportunity to produce new evidence? In very pragmatic terms, these groups usually don't raise the thousands of dollars necessary to get the expert evidence, the expert analysis, the planners to analyze the situation. To then deny them the opportunity to introduce that at a hearing of the Ontario Municipal Board I say is grossly unjust.

I have but two minutes left, and I've got to highlight yet another very serious objection. That deals with the fast-tracking, which I'm sure is language that the government would want to utilize, in the instance of energy-generating developments, and that is specifically the inability for citizens to mobilize and object. Section 23 specifically exempts private energy projects from the Planning Act. On the one hand, Mr. McGuinty, the Liberal Premier of Ontario, talks about making the OMB process more accountable and transparent, but by virtue of section 23, on the other hand, he exempts private sector energy development projects in excess of two megawatts from the requirements of the Planning Act. Doesn't that strike you as just plain nuts? How can any Liberal member reconcile that with good planning, with fairness, with healthy development? How can you reconcile that? Mr. Levac, how do you reconcile section 23 with good planning? Mr. Colle, Minister of Citizenship and Immigration, how do you reconcile that with good planning? John Wilkinson, exempting, by virtue of section 23, private energy-sector development projects in excess of two megawatts—how dare you exempt them from the Planning Act? How do you explain to your constituents why you support—and I presume you do, because I heard you in your two-minute comments just a little while ago—this bill when it exempts those projects that can have serious impact on their communities? We're talking about the prospect of gasoline generators, natural gas generators, diesel generators—

**Mr. Peter Tabuns (Toronto-Danforth):** Coal generators.

**Mr. Kormos:** —oh, coal generators exempted from the Planning Act. New Democrats aren't pleased with that at all. We'll be looking for answers in committee and



then expecting the government to step up to the plate and fulfill its responsibilities as well.

**The Deputy Speaker:** Questions and comments?

**Hon. Mr. Colle:** I'm here to comment on the member from Niagara Centre's comments on Bill 51, just to say that I certainly concur about the amazing legacy that Jane Jacobs has left, not only in this province and this country, but I think an international legacy that will be here long after we're gone. I recall first meeting Jane Jacobs when we were trying to stop the Spadina Expressway, which was going to go through my neighbourhood; that's a few years ago. I was able to work with her over the years and was proud to work with her in the battle to try and save Toronto from having that forced amalgamation. She was a very articulate and strong defender of local democracy at that time. I certainly mourn her passing, as we all do.

The one question I have about Bill 51 is that I find it strange that the member from Niagara Centre has said that he thinks there should be de novo hearings allowed and they shouldn't be restricted, because that's exactly what the developers want. In all my time dealing with the OMB, whether at local council or Metro council or whether I was here in the Legislature trying to get people to become aware of Ontario Municipal Board and its shortcomings, that was the one thing that was said over and over again: "You can't have de novo hearings because that gives an amazing advantage to developers at the expense of the little people who go before the Ontario Municipal Board." I remember David Miller, the mayor of Toronto, saying, "If there's one thing you do in the legislative change, make sure you don't give the developers that de novo hearing." That is where the real advantage is, when they can bring the resources to bear to bring new evidence at a hearing and totally disregard what a local council in Leamington decided. Every time there's evidence at a local council, it's totally thrown out and the de novo starts all over again. That's why —

**The Deputy Speaker:** Thank you. Questions and comments?

**Mr. O'Toole:** I appreciate the member from Niagara Centre, who has spent some time here—in fact, he'd be very familiar, having been a member of cabinet during the Rae government and probably party to many—

**Mr. Kormos:** The best Liberal Premier this province ever had.

**Mr. O'Toole:** Yes.

I just want to read one section. It's very important in looking at how the minister has prevailed at the end of the day. This little section is, "The Ontario Municipal Board's power to determine appeals of ministerial zoning orders under section 47 is restricted if the minister is of the opinion that all or any part of the requested changes adversely affect matters of provincial interest." So they're sort of exempted. In that case, the determination is made by the Lieutenant Governor in Council, which is basically Dalton saying that his will prevails. Here's another interesting subordinate section: "The Lieutenant Governor in council may"—these are the soft kind of weasel words; I hate to use that word—"by regulation

exempt from the Planning Act"—see, they're exempting—"approval process undertakings that relate to energy...." for instance, a nuclear plant or whatever. In fact, under the greenbelt, provincial interests are exempted as well; they can go right through the Oak Ridges moraine and the headwaters and the source water and Bill 43 and build a highway. That kind of decays or renders somewhat suspect in "matters of provincial interest."

Now, the minister is sitting here beside me. I know his interests are there. I'm wondering if the bureaucrats aren't running it, technically. It may be that Dalton and some of his outside advisers, some of the Premier's Council people, the thousand-dollar-a-plate guys and gals, are not involved in this process. I know they had a big soirée at Greg Sorbara's house—we all heard that—during the greenbelt. Now I see it's showing up rather spuriously here in this bill.

So this is going to committee. There should be full disclosure. I'm confident—the minister has assured me tonight—that there will be public hearings—

**The Deputy Speaker:** Thank you. Questions and comments?

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**Mr. Tabuns:** Mr. Speaker, my last experience in this House with your calling for questions and comments taught me that it's questions and comments, not questions, comments and answers.

**Mr. O'Toole:** There are no answers.

**Mr. Tabuns:** Apparently not.

*Interjections.*

**Mr. Tabuns:** No interruption, gentlemen.

In any event, when I put forward a question, I have no assurance that it will be answered, but I'm going to put forward a question and I would ask the minister or his parliamentary assistant to address this.

In this act it is suggested that the promotion of development designed to be sustainable is something that municipalities are empowered to do. That's similar to language used in the City of Toronto Act, and just today that came up at the hearings at the committee. The minister, when he made his presentation, talked about the ability of the city to make new development, new buildings, environmentally more sustainable. I asked him, "Does that mean that the city of Toronto will be able to require a higher efficiency standard than is currently set out in the Ontario Building Code?" I was told no.

So I ask the minister or his parliamentary assistant now, does this provision for sustainability actually mean something? Does it mean that a municipality can actually press for a higher level of efficiency, which in turn would help that municipality reduce air pollution, help that municipality reduce the costs of operation for those building owners or operators, help that municipality bring itself into the 21st century and help move away from inefficient fossil fuels, inefficiency generally? This society faces huge problems around energy. Giving municipalities that power would move things forward. I'd like to know if the government's giving them that power.



**Mr. Dave Levac (Brant):** The member from Niagara Centre made such a compelling argument and there have been other comments about this, so I'm going to ask—no, I'm going to demand—that this go to committee.

**The Deputy Speaker:** The member for Niagara Centre, you have two minutes to respond.

**Mr. Kormos:** Well, I appreciate the support of the member from Brant, Mr. Levac, but he's a Johnny-come-lately. We've already demanded that the bill go to committee. We've already ensured and assured that we're going to say no to this bill proceeding to third reading unless and until there are thorough and adequate committee hearings.

I want the government House leader to note that the member for Brant, the government whip, has indeed taken on the minister this evening by virtue of his call for the bill to go to committee. The member for Brant, Mr. Levac, acknowledges the significant problems in the bill. It's indeed a refreshing thing to see a Liberal member in this government with the guts and the gonads to take on the powers that be, those centralized powers in the Premier's office that dictate the daily comings and goings of folk, and I commend the member for Brant.

I want to assure him that being in cabinet is not the most important part of being at Queen's Park. I say to you, member for Brant, that you can, as you've just demonstrated, be far more effective and far more responsive to your constituents—and you are. I want the folks in Brantford and area to know that their member has done some fine things here in this chamber. From time to time he has outshone his colleagues by showing—

*Applause.*

**Mr. Kormos:** Look, I don't know how this Premier sleeps at night, knowing that the member for Brant could well be up in his den, at his desk, plotting out his agenda for the following day. So I commend the member and I look forward to him being on this committee with Mr. Tabuns, who will be our member of the committee.

**The Deputy Speaker:** Further debate?

**Mr. Hudak:** I'm pleased to rise and debate tonight on Bill 51, the Planning and Conservation Land Statute Law Amendment Act. I enjoyed the comments from my colleague from Durham earlier on. Of course the member from Niagara Centre, as always, has some very valuable insights into this legislation. Sometimes I miss being the critic for municipal affairs and housing. I know my friends at municipal affairs miss me too. I know my colleague Mr. Hardeman is doing an outstanding job and I—

**Interjection:** Things are smoother in committee now.

**Mr. Hudak:** Things are smoother at committee now, they say. This is a good thing, I suppose.

My friend the parliamentary assistant—it's good to see him as well. I used to wake up almost every morning hearing Brad Duguid's voice, usually followed by Sid Ryan's voice or vice versa on the—

**Mr. Kormos:** In some states that's illegal.

**Mr. Hudak:** Well, I can tell you it was happening, legal or otherwise.

**Mr. Kormos:** As long as you were happy, Tim.

**Mr. Hudak:** It got a little tiresome after a while. Sometimes you want a new trick, so to speak. It got a little tiresome, but I'm glad to see that Sid and Brad are buddies again.

I do want to note for the record, Mr. Speaker, because I know you're clearly impressed by this part of my speech, that we did notice in Bill 81, the new finance bill, that the second look at OMERS, the OMERS review, is part of Bill 81, which is also before the assembly. I thought I understood at the time that Mr. Ryan had indicated it was going to be a stand-alone bill, the review of OMERS in 12 years' time, was it, or eight years' time?

**Interjection:** It's 2012.

**Mr. Hudak:** Oh, 2012; maybe that's why I've got the 12 in my head. At any rate, it's part of the finance bill. I'll say to my colleague the Minister of Municipal Affairs that if he wants that to be a stand-alone bill to be debated before the Legislature, we would certainly oblige the Minister of Municipal Affairs if he felt that way.

There are a lot of bills to discuss. The other thing I wanted to bring up with respect to municipal affairs issues connected with Bill 51—because obviously this bill will have important ramifications for our elected municipal leaders across the province of Ontario. I'm always concerned about the municipal leaders in the riding of Erie—Lincoln, who—let me get this on the record—actually did just a tremendous job. They had their Niagara Week and I know had the opportunity to meet with a good number of ministers, MPPs here to advocate for issues important to Niagara. They had a very successful reception last evening to build the networks between Niagara municipal leaders, community leaders, business leaders with provincial decision-makers. I do want to commend Chairman Peter Partington and his organizational crew, his organizing committee, for one tremendous session here at Queen's Park.

Last year, of course, they were successful in achieving an expansion of Highway 406 to four lanes south, and I do hope they'll have continued success with Highway 406. I have a private member's bill before the assembly to rename Highway 140 as part of 406, the natural route south to Port Colborne from where Highway 406 starts in St. Catharines, and I do hope that the government will adopt that legislation as part of their own policy.

I want to say that the other issue of coincidence between Bill 81 and Bill 51 is that Premier McGuinty, at the ROMA conference, announced that his intention was to extend the term of municipal councillors to four years. It seemed a bit arbitrary at the time, and I suspect that Premier McGuinty did so at ROMA because he was worried about a negative reception from municipal politicians at ROMA. The Minister of Municipal Affairs at ROMA—

**Hon. Mr. Gerretsen:** How can you say that?

**Mr. Hudak:** The minister asked me how I can say that. The minister remembers his reception in 2004 or 2005 at ROMA, which wasn't exactly a warm embrace, to say the least.

**Hon. Mr. Gerretsen:** It always has been very warm.



**Mr. Hudak:** I don't know about that. I suspect the Premier was worried about that and thought he'd have to bring some announcements there to try to encourage municipal politicians to respond favourably, because I know a number were disappointed with some of the decisions of the McGuinty government. I think he plucked this one out of his hat, to extend the municipal terms. So municipal councillors, under Bill 51, will be making these decisions, if the bill passes, under a four-year term as opposed to a three-year term.

**Hon. Mr. Gerretsen:** Great idea.

**Mr. Hudak:** The minister says it's a great idea. I do want to say that I appreciate the fact that the minister is here tonight listening to debate. That's always nice to see, and I commend him for that on a Wednesday evening. I wish it were the case more often on the finance bills. But I do want to say, to the credit of the Minister of Municipal Affairs, that I'm pleased he's here for debate tonight.

But I'd say to the minister, who's such an enthusiastic fan of the four-year term, that I suggest you make that a stand-alone bill and have public consultations on the four-year term. When I speak with councillors in Lincoln, Wainfleet or West Lincoln, some like it and some don't like it. If they see new responsibilities coming forward, like in Bill 51, there may be those who will decide, if it's a four-year term, not to run again. But if a three-year term were continued, they may very well do so.

Councillor Walker in the city of Toronto has raised this as a concern, as have other municipal leaders.

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**Mr. Kormos:** Guy Giorno.

**Mr. Hudak:** Certainly my friend Guy Giorno has had some concerns that he's expressed in the media.

**Mr. Kormos:** Josh Matlow.

**Mr. Hudak:** Josh Matlow, who has been—he was one of you fellows for a while, wasn't he?

**Mr. Kormos:** And David Meslin, a young New Democrat.

**Mr. Hudak:** David Meslin, the young New Democrat—is he a councillor? No, I just recognize the name.

**Mr. Kormos:** An NDP activist.

**Mr. Hudak:** Anyway, there's a quality group of individuals of all three political stripes who say, "Why don't we put that bill forward for debate in the Legislature and for public consultation?" I would say to the minister and my friend the whip, who I know understands this issue inside and out, separate that out from Bill 81. Let the finance measures proceed, take schedule H, continue with a new bill in the House, and have full debate on the implications of that. Let's hear what municipal decision-makers, taxpayers' groups and business leaders have to say. This is an important change to our electoral system, and I think we should at least have the opportunity to debate that fulsomely, because we've not, really, under Bill 51.

My friend the minister from Sarnia disagrees with me. Maybe I'll go back and look at Hansard. I don't think

there has been much quality debate about schedule H. Some members have spoken about it, but not to the extent that there really should be on this important change. It's hardly trivial. Am I right? It's not a trivial change. I hope you would agree that it's not a trivial change. I would say it's substantive and therefore should stand as a bill and let's hear what the public has to say about this.

Seeing the minister here tonight reminds me of the good times we had with the greenbelt legislation and some other pieces. I'll take the opportunity to say to the minister as well that I hope the Greenbelt Foundation will finally begin making some investments to support the greenbelt legislation. There are no doubt some excellent projects coming forward from Niagara.

**Hon. Mr. Gerretsen:** It's arm's length from the government.

**Mr. Hudak:** The minister says it's arm's length from the government, but at least the minister could probably convey to them the importance of investing those funds in local projects to support communities, as opposed to supporting Liberal advertising firms. I think the first several million dollars was all advertising. I think farmers in the greenbelt area, municipal leaders and tourism operators would actually appreciate it if those dollars in the foundation were invested in worthy projects as opposed to contracts to Liberal-friendly advertising companies.

I digress a bit, but I did want to give the minister the heads-up. There are probably some good projects coming forward from Twenty Valley Tourism, for example, in the Jordan and Vineland area, as well as improvements to the Balls Falls conservation area owned by the Niagara Peninsula Conservation Authority. I do hope that they will find favour with the Greenbelt Foundation.

My colleague from Niagara Centre had raised the issue about section 23 of the bill, which would allow the Lieutenant Governor in Council, by regulation, to exempt from the Planning Act approval process undertakings that relate to energy and have been approved or exempted under the Environmental Assessment Act—I think I have that accurate—which is somewhat curious and seems to be a bit inconsistent. I know that members opposite had fought, tooth and nail, the process that was being undertaken for the mid-peninsula corridor, arguing that the scope process was too narrow and that there should be a broader process. I see here in the bill that the government is actually going in the opposite direction to that which they had preached on highway projects when they were in opposition. To be as direct as possible, I don't know if they've exactly earned our trust on energy issues.

Certainly my colleagues in the third party sitting here tonight—as well, the new member for Toronto—Danforth has talked about the nuclear topic and the lack of consultations. I would ask, have the McGuinty Liberals lived up to their commitment for extensive consultations on the nuclear issue? I think my colleagues would probably say that they have not.

**Mr. Kormos:** They promised.



**Mr. Hudak:** They had promised extensive debate on the topic. I think they've made up their minds already. They're breaking that promise, one of their many broken promises.

I guess it's not surprising to see that there is an exemption from the Planning Act to allow for projects like a new nuclear facility, new power plants, by the Lieutenant Governor in Council behind closed doors. So much for praying at the altar of greater local public consultation or hearing what municipal leaders and local ratepayer groups have to say about that. In fact, if Dalton McGuinty and cabinet decide, or those that are giving the Premier advice without cabinet, they could bring forward under section 23, if unamended, these projects without going through the local planning act.

We have some visitors in the gallery tonight, which we don't often see. There are members of the Scouts here this evening. Welcome. Where are you from? Etobicoke? Fantastic.

**Mr. Kormos:** What troop number?

**Mr. Hudak:** The 233rd, Etobicoke. We do welcome them here on a Wednesday evening for Bill 51. It's always good to see the hard-working Scouts learning about democracy and how this place works.

I know my colleague from Durham and my colleague from Oxford, the critic—and Cambridge may have as well; I think he did—raised the section 4 issues. I think it's section 4 that limits certain groups from bringing forward new information. It's a lopsided issue: Municipalities could bring forward new evidence to hearings, and those that are project proponents could not. So I think there's a fair argument, and we look forward to committee hearings, about whether there is a balance in that. If one group can bring forward new evidence if an issue is before the OMB and the other side of the argument cannot, I ask you, what's the fairness in that? It moves us away from a long-standing tradition, where each side in the debate, in the process before the OMB, a quasi-judicial body, would have the same opportunity to bring forward new information or rely on old information. You'd think you would choose one or the other. But it's a lack of a level playing field that I think causes some concerns and that I wanted to highlight this evening.

There's also the issue—I guess this is more section 4—of the consistency with provincial policy and plans at the time of decision and comment. The tradition has been a long-standing approach at the OMB and the courts as well, which is to generally apply policies and plans in effect on the date of application, to base it on the laws and the evidence at the time as opposed to the date of the hearing.

**Mr. O'Toole:** It's called retroactive justice.

**Mr. Hudak:** Is it called retroactive justice? My learned colleague from Durham calls it "retroactive justice." There's no doubt there is a retroactivity here, where they are changing the rulings of the game *ex post facto*. I wanted to raise that concern, which I think is actually more accurately section 4 of the bill.

These retroactive provisions are really no surprise. We saw similar commitments to retroactivity by the government in the greenbelt legislation, among other topics that have come forward and other bills from the Ministry of Municipal Affairs, which are effectively changing the rules in the past. Instead of saying, on a go-forward basis, "These will be the rules of the day," they have said, "We're changing the rules in the past retroactively," which is demonstrably unfair. I guess there may be a time where an exception could take place, but it should be a rare exception. Instead, it's become a common tool in the Ontario Legislature.

Which reminds me, my colleague is reading *The Da Vinci Code* over there. The parliamentary assistant has taken an interest in *The Da Vinci Code*, which is an entertaining novel, but—

**Mr. Kormos:** But fiction.

**Mr. Hudak:** But fiction.

**Mr. Kormos:** And it demonstrates the Liberal obsession with fiction.

**Mr. Hudak:** Maybe it is symbolic of the Liberal obsession with fiction, but it's enjoyable reading. It's certainly been a bestseller for a long time. It's made Mr. Brown millions and millions of dollars, and he's been successful in the courts.

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**Mr. Kormos:** I've not read it, and I won't.

**Mr. Hudak:** Good for you. I think I read it too early, but I did read it, and it is fiction. I know my colleague the member for Scarborough Centre would put it on the fiction shelf, as well.

**Mr. Kormos:** Why isn't he reading the bill instead?

**Mr. Hudak:** I think the parliamentary assistant, knowing the quality of work he puts into it, is thoroughly familiar with the legislation.

The Greater Toronto Home Builders' Association always has some important input. I'm quoting from a document they presented when discussion was occurring over at the Ontario Municipal Board, and their view. There was some discussion at one time. Before I get into what the GTHBA said, I remember Liberal members, when they were on this side of the House, talking about abolishing the OMB altogether. I think I'm right. I think there were a number of those members opposite who talked about abolishing the OMB altogether.

**Mr. Patten:** Should have done it.

**Mr. Hudak:** Some say that they should have done that. I would tend to disagree with that opinion. I think that OMB plays a very important role in decision-making as a quasi-judicial court of last resort, if you will. So I would certainly not support abolishing the OMB. I know some of my colleagues now on the government side still support abolishing the OMB. There's been a U-turn, as there has been many times with the McGuinty government. Now they are making some changes to the OMB, but certainly not of the fundamental nature that you may have expected from the campaign rhetoric in 2003.

The Greater Toronto Home Builders' Association "does not support any recommendation for a local appeal



body or municipal model of secondary appeal where the OMB is not granted the authority to hear an appeal of its decision. Exempting planning decisions from the review of the OMB or creating a local appeal channel for certain types of applications would not serve the provincial interest."

They go on to say in their submission to the ministry, "the voter often exerts significant political pressure on a councillor's decision over what land use will or will not be approved," and they're concerned that these types of changes would lead away from consist province-wide decisions.

It will be interesting to see how changes that the McGuinty government is making in Bill 51 and other changes around the Planning Act will jell with their goal to intensify development. Certainly when the growth plan came forward and suggested that the Yonge and Eglinton block would be replicated across the province in various mid-size cities, I would expect that a lot of folks, whether they live in Welland, St. Catharines, Milton or Oakville, would object to that level of intensification taking place in their communities. Certainly there has been example after example of intensification projects that have raised the ire of local residents, and these are local residents who tend to be sophisticated and motivated, who do their research and put pressure on their councillors, as they should, and then the local councils back down and tend not to approve those projects. I think we're all aware of the list of those types of intensification projects.

So it will be interesting to see how the government squares that circle. A lot of their decisions are premised on this heavy intensification, but their legislation increasingly will result in a situation where these intensification projects never actually move forward. That's not something that we'll see tomorrow or the next year; it's something that will be felt down the road. But when you see models like the greenbelt and the Planning Act that are based around an unlikely scenario of these intensification projects actually occurring, you wonder if their entire approach to planning is going to unravel. Again, we won't know for some time, but we definitely have seen a pattern emerge of intensification projects rejected. The Port Dalhousie project is another one that I'm well aware of, coming from the Niagara Peninsula, where a very active citizens' group has caused council to think twice and to reject that original project.

I know my time is expiring. It's always a great opportunity to speak on bills like 51. Again, I welcome the Scouts from Etobicoke here this evening.

**The Deputy Speaker:** Questions and comments?

**Mr. Kormos:** I appreciated, enjoyed and indeed found significant value in the comments by the member for Erie-Lincoln with respect to Bill 51. He shares many of the same concerns that New Democrats do. While we're eager to see this bill go to committee, should the bill not be remedied at committee, I can tell you that New Democrats will be taking a strong stand in opposition to this bill, should the government not listen to the voice of reason.

Reference has been made a couple of times now to the Boy Scout members of 233 Etobicoke in the visitors' gallery. I was a Boy Scout. I was a Wolf Cub as well, 12th Welland; I don't want to discourage you, but 12th Welland, the Atlas Steels group. It's a historical one now because it hasn't survived, but neither has Atlas Steels, in its original incarnation. You young men should understand that here we are in the chamber; there's the Speaker there, those are government benches in front of me. You've got the Minister of Tourism there. He's one of the most powerful people in the government. He's got seniority; he's a minister. Mike Colle is the Minister of Citizenship. You've got the Minister of Culture over there. Those are the government, the Liberals. This is the Liberal rump. This is where they put extra, leftover Liberals. They're over here. Over here is the official opposition. These are the Conservatives, and we're the New Democrats, eight of us. This is the most newly elected New Democrat, Peter Tabuns from Toronto-Danforth, because there was a by-election in which two Conservatives got elected and one New Democrat. The government failed miserably to gain any seats in the by-election. So I say welcome, enjoy. This is your building. Feel as comfortable here as you do at your city hall or at your school or in your church basement. When I say it's your building, you and your folks pay for every penny of it, over and over again. I want you to understand that and I want you to come back as often as you're inclined to.

**The Deputy Speaker:** Thank you. And now questions and comments.

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** There appears to be some latitude being permitted by the Speaker tonight. My friend the member for Erie-Lincoln is very powerful within the Conservative Party. I'm trying to figure out what it has to do with this bill, but I notice there are negotiations going on over softwood lumber. What we have to do so often is encourage our federal brethren and sistern to stand up for the province of Ontario—

*Interjections.*

**Hon. Mr. Bradley:** —our brothers and sisters to stand up for Ontario. I'm imploring my good friend from Erie-Lincoln, who is well connected within the Conservative Party, to speak to Dean Allison, his federal member, and other federal members in the area to try to encourage them to help Ontario in these negotiations.

We have a fear, those of us in this House, that perhaps some Western provinces, particularly one that's almost as far west as the other one, may receive some preferential treatment over Ontario. In the last election, there were a number of Conservatives elected in Ontario. I remember it said, "Stand up for Canada." We want them to stand up for Canada, but we also want them to stand up for Ontario. Because I know my friend is so well connected with the Conservative Party, I'm going to implore him to implore his federal colleagues to stand up for Ontario when it comes to equalization, when it comes to payments that flow to the provinces outside of equalization,



softwood lumber, the border situation. Knowing him as I do, I know I can count on him to exercise his considerable influence.

**The Deputy Speaker:** I don't want to disturb the delicate balance of the House tonight, but I really do need to hear some questions and comments that at least come close to relating to the speech of the member from Erie-Lincoln. Questions and comments?

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**Mr. O'Toole:** I do want to comment on the speech of the member for Erie-Lincoln because he draws a distinct revelation, I believe, The Da Vinci Code. I don't want to add to the—

*Laughter.*

**Mr. O'Toole:** No, no, this is relevant. Really, if you read The Da Vinci Code by Mr. Brown, it's a riddle, it's a maze, it's the search for the Holy Grail. Now, in the details in this bill—I can relate this, because it raises the question, did Christ survive the crucifixion and have a child, and was the child living in England?

*Interjection.*

**Mr. O'Toole:** I've read the book, twice, actually.

What it does is raise to a higher level the debate here. It's the idea that this legislation has a twisted maze to it as well, the linkage that I tried to establish earlier in my debate on the greenbelt, Bill 51, and Bill 43, the source water protection bill.

With your indulgence, Mr. Speaker, I want to announce that on March 19, at the Ontario Minor Hockey Association's provincial D championships, the Newcastle Stars Atom Reps won. I want to commend coach Scott Turner, assistant coach Paul Choiniere, Dave Connolly, trainer Patrick Kennelly and assistant trainer Tony Hunt. But most importantly, it's important to the children, because one of their parents works here in the Legislature, and I told her I would get it on the record. The players on the team were Kevin Turner, Matthew Hunt, Matthew Connolly, Tyler Rusaw, Michael Smith, Robert Thompson, Jeff Guernsey, Garrett Thompson, Brennen Kennelly, Zachary Bonura, Ben Choiniere, Connor Sikma, John Wood, and goaltender Daniel Feeney. They won the Ontario championships, and Scott Turner is the head coach.

It's about community. At the end of the day, the Minister of Municipal Affairs is trying to build communities, but he's using a cookie cutter, as has been described by the member from Erie-Lincoln, to bring us back to the debate. For some time, he served as critic on this file, so he knows of what he speaks. In fact, he coined the term "the green botch," as I recall it. When we get to Bill 43, the water one, it's connected—

**The Deputy Speaker:** Thank you. Questions and comments?

**Mr. Tabuns:** When I last had an opportunity to pose a question and comment, I asked about the reality of the term "sustainable development" in the legislation before us. I asked if the minister or his parliamentary assistant could address this House and tell us whether those words were of any consequence whatsoever. That hasn't hap-

pened. That causes me great concern, because there are people out there who apparently think that this legislation and the legislation related to the city of Toronto are actually going to increase the powers of municipalities to do something about the energy challenge or crisis, the environmental crisis that faces our society.

This morning I went to a press conference held by the Minister of the Environment to talk about an \$8-million or \$9-million program to send out coupons for energy-efficient light bulbs. I've got nothing against energy-efficient light bulbs, but the reality is that we are going to have to deal with the energy crisis, the environmental crisis in our urban areas, and we're going to have to do that through energy efficiency and energy efficiency standards. When legislation provides a government with an opportunity to address those questions, it should be taking that opportunity. It does not in fact appear to be doing that. It appears to be putting in wording that sounds green that will make some people very happy but, in the end, is of no consequence. Because of that, we will continue to go forward on an energy path that is not sustainable, that is increasingly expensive, and one that eventually will undermine the economy of this province.

Again, I can't command an answer from the government on this, but I think the minister or his parliamentary assistant should address the House this evening and say whether or not those words are of consequence.

**The Deputy Speaker:** Member for Erie-Lincoln, you have up to two minutes to respond to all of that.

**Mr. Hudak:** All of the varied topics. In the order that I can recall, to my colleague from Niagara Center, I appreciate his kind words. I do want to note for the record that it's nice to hear that he was a Cub Scout and then a Boy Scout for so long. In case it didn't get in Hansard, my friend the Minister of Tourism did note on behalf of the House that he continues to be a Boy Scout to this day. I'm sure members of all parties would agree with the Minister of Tourism's thoughts on that.

Minister of Tourism, I do my best to help. As you've seen in the House, I am also trying to help the finance minister with the Homestead Act. Maybe he could help me out there a little bit and see that become law, and I can do my best to help in Ottawa. The member is a big hockey fan. He also knows that when you're down 4-0 or 5-0 in the last period and a new line comes on close to the end of the game, it's pretty tough to even up the score. But I'll do my best to communicate with my friends, usually playing the right wing, to try to even up the score, considering how late in the game some of these decisions have come about.

To my colleague from Durham, I enjoyed his words earlier on tonight. Obviously, he's also had a chance to read The Da Vinci Code. My colleague the Minister of Citizenship I think shares my concerns. While I did read it, it is fiction, we should note. I do want to put in a plug. At Eastertime, I did watch The Passion of the Christ by Mel Gibson, an outstanding movie—very intense, very shocking, but much more a documentary than the fiction of The Da Vinci Code.



Lastly, to the member for Toronto–Danforth, I’ve enjoyed having him here in the assembly. I welcome him. He made an outstanding point about the City of Toronto Act. As I’ve said, I’d recommend to the minister that he should name it the Weaker Toronto for a Stronger GTA Act, because it does not actually address any of the main critical issues that are causing jobs to flee the city of Toronto. I think there is a conspiracy behind the bill by members from Durham and Peel and York to take the rest of the jobs out of Toronto and put them in their ridings.

**The Deputy Speaker:** Further debate?

**Mr. Tabuns:** Bill 51 before us deals with the important objective of Ontario Municipal Board reform. Unfortunately, this bill doesn’t provide us with the reform that the citizens of this province deserve, it doesn’t provide us with the reform that the citizens of this province need, but it gives a minor facelift to the OMB and at the same time removes the rights of citizens to provide input, to have control over or some say in the siting and construction of energy projects—privately owned energy projects—or their ability to appeal such projects to the Ontario Municipal Board. So I want to speak to the energy provisions first, and then I want to deal with the larger problems in this legislation relating both to the rights of citizens, the support of citizens to speak at the OMB, and the introduction of evidence.

On the one hand, the McGuinty government talks about making this OMB process more accountable, more transparent. There’s no question that that’s a fine objective. Everyone in this room would be supportive of that. But the government has not delivered that, when you consider section 23 of the bill. Section 23, for those who may be following this outside this chamber, exempts private sector energy developments, private sector energy projects in excess of two megawatts—so that’s a relatively small project—from the requirements of the Planning Act. I’ll give you an example. The University of Toronto runs a steam plant cogeneration facility in the middle of its campus. It’s about five or six megawatts—relatively small. Anything bigger than that that’s privately owned can be taken out of the realm of zoning powers of the local municipality, which is quite extraordinary, absolutely extraordinary.

I look at the experience we had in the east end of Toronto dealing with the Portlands Energy Centre. Now, that experience isn’t over yet, but a number of years ago when this project came forward, our community said to the government, “We want to have a full hearing on this. We want hearings in which the citizens can come forward, address the issues, challenge the evidence put forward by the proponents, look at what the alternatives are, compare the costs, look at the different environmental impacts and then have a decision made about the direction that’s going to be taken with power, with electricity in downtown Toronto.” That was not allowed. The proponent submitted its studies for consideration by the Ministry of the Environment. Those studies were considered. There was no bump-up, no raising it to the level

of a hearing, and all the environmental approvals went through.

As this stands, if in fact a similar proposal went forward in any project in any town or community represented by the people in this chamber—in Stratford, in Oakville, in Mississauga, in Peterborough, in Ottawa—if someone came forward and said, for instance, “I have a private sector proposal to burn waste. I’m going to go through the environmental assessment screening process,” there would be no hearing necessary, really, depending on the whim or the mood of the Ministry of the Environment of the day. If the province wanted to go ahead, that would simply be exempted from all kinds of zoning. So municipalities that try to plan their future, try to plan the structure of their city, would simply be stymied, and the citizens that you sitting here tonight represent would come to you and say, “Why on earth did you take that power out of our hands? Why on earth did you let this go ahead without us having a chance to be heard? Why did you ensure that our municipality,” a political level that citizens tend to have more influence on, “couldn’t have any impact on this?”

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We know the direction that this government is going in. The McGuinty government is making a push towards privatized power in this province. It’s making a push towards mega-nuclear power plants and mega-natural gas plants. The reality is, with this legislation, because there’s the desire to make them private, the protection of the environmental rights of citizens and the protection of their communities is going to be swept away. That’s what’s encapsulated in this legislation. Every member of this House, particularly those on the government benches, is going to have to answer to their public, to their citizens, to their voters, for taking away that political power.

In the future, nuclear power plants could come forward and, if they’re privately proposed and privately financed, why would the zoning of any rural municipality have any impact on the construction of that nuclear power plant? It wouldn’t. That authority to control the destiny of a local area of a regional municipality or of an urban municipality is going to be gone. That’s a huge loss for the people of this province.

In place of Planning Act oversight, private energy projects would be subject to an environmental screening process, which, as I’ve described with the Portlands Energy Centre, would mean only token consultation at best. We know that the Minister of the Environment recognizes that reform is needed in this area. Well, I’m not seeing reform come forward and I’m not seeing bills come forward; what I’m seeing come forward is this bill, which takes away those powers from communities and municipalities to determine their future, their direction.

It’s a bad approach to legislation. It means that host communities will have their autonomy dramatically diminished. I don’t know if that was the intention of the writers of this legislation. I wasn’t in the room when they wrote it. But I can tell you, that’s the end effect of it. Not



only will they lose municipal control over decisions regarding private, large-scale energy projects, but then there's transmission line construction, ancillary structures and all of that. All those things that go with large-scale power—that's something that you citizens who may be watching this and you legislators here this evening will no longer have the ability to control.

We here in the NDP believe that the planning, siting and permitting of private sector power generation has to be dealt with at the municipal level. That power has to reside with the community. The community has to have the input so that what does come forward is consistent with the needs of the community. We believe that when those projects of any kind come forward, there needs to be intervenor funding so that citizens, whose resources are dramatically less than major international or national energy companies, have a fighting chance of putting forward their position and having it heard, having it really paid attention to. This bill is not dealing with that.

Along with a number of environmental groups, the NDP finds section 23 to be offensive, one that should be taken out of the act, and we'll be filing motions at committee stage to make those changes.

I've addressed the whole question of energy but I want to address the larger question of the structure of the bill. As you know, and as I know from having been a city councillor and a person who organized at the community level, citizens' groups and municipalities have complained about the OMB for a very long time. The reality is that far too often the powers of municipalities have been usurped, have been taken away by the OMB, and municipal councillors are left feeling that their presence at a planning meeting is ultimately irrelevant. Why be there, because we know in the end the OMB will make the decision?

The OMB has had and will have the power to overturn the decisions made by duly elected bodies, by municipal councils. That's not the case in the rest of Canada. In the rest of Canada, municipalities make the decisions and are then held accountable. They're re-elected, they're thrown out, they're argued with or they're praised. It's theirs to wear, theirs to carry. But here in Ontario, that's not the case. The power is turned over to the OMB, an unelected body, and that body can and does ignore the intent and direction of council.

When the body responsible for a planning decision in an area, in a community—the municipality—makes a decision, people can appeal that decision to the OMB. We thought when Bill 51 was introduced that this government, the McGuinty government, was seriously going to deal with the long-term problems that communities and municipalities have faced with the Ontario Municipal Board. I think there was probably a lot of hope that, "Okay, we know there are problems; the government recognizes there are problems. We're going to see what we can reform, we're going to see what can be changed in order to make sure that the OMB functions in a way that's democratic and reflects the needs of the com-

munity." But what we have before us falls very far short of that mark.

There are two unsubstantial changes that need to be addressed in the course of this debate, and hopefully they will be addressed in committee. One is that in this bill we have the wording that the OMB shall "have regard to the decision of the municipal council." I suspect that's very much like the line regarding sustainable development: It sounds good but it is of no consequence in terms of the legislation.

What the OMB is given to decide is whether or not a municipal decision will stand. The OMB now will "have regard" for the municipal decision. They'll hear it, they'll think about it and they can accept it or they can throw it out. It's in their jurisdiction. This particular amendment will not change that. The direction that a municipality wants to set for its destiny, for its community, is not of great concern to the OMB.

If in fact the wording "be consistent with" was used, as it is used with the provincial policy statement, then you would constrain the OMB. You would say to the OMB, "Look, you've got something before you. You know the direction this municipality is wanting to go in. Your decision needs to be consistent with that." It's not just "having regard to." I can have regard to my colleague's comments about the Scouts; it doesn't affect the direction that I would take this speech in. Is it going to "be consistent with"?

**Mr. Kormos:** Are you badmouthing the Scouts?

2030

**Mr. Tabuns:** No, I'm not badmouthing the Scouts, just so things are clear. The record must be very clear.

Using the phrase "have regard to" does not change what has to be changed. It leaves the power of decision-making with the OMB and does not reform the OMB in the way that people expect it to be reformed.

One other point that needs to be addressed is the whole question of intervenor funding, and I touched on that briefly earlier. When citizen groups try to stop a development, be that a gravel quarry that's going to destroy the water table they depend on, be that an incinerator sited for their area or a development that's simply completely out of scale for a neighbourhood, they often find themselves before the OMB.

Citizen groups can attest—and since I've worked with a lot of them in my time, I know they're telling the truth—that they have tremendous difficulty pulling together the resources to adequately contest the resources placed against them by a developer or by a proponent. If you're going to actually be successful in an OMB hearing, you have to provide technical information, some of which is very expensive to obtain. You have to make sure that you can go toe to toe with those proponents in a way that gives you credibility. That poses huge problems for citizen groups. It makes sense that we provide intervenor funding so that people arguing those technical points are able to bring to the table the same level of expertise as those proponents who have the ability to



build 500-, 600- or 1,000-home subdivisions. We have to have that.

If it's not citizen groups, it's municipalities. As you know, municipalities in this province face cash problems. The city of Toronto is facing huge cash problems because of the download that happened under the Conservative government, and that has not been reversed by this government. Municipalities much smaller than the city of Toronto are facing financial crunches. Where are they going to find the money to defend their positions before the OMB when a well-heeled developer shows up with limos full of experts, vans full of prospectuses, studies etc.?

**Mr. Kormos:** The Sorbaras.

**Mr. Tabuns:** I won't even name a group.

If we're going to talk about an effective hearing process for decisions, we have to talk about intervener funding. That's something this government should be doing.

I'll read very briefly a letter sent by Monique Atherton of Vinemount, Ontario, who went through two separate OMB processes. She talks about the difficulties she and her neighbours faced in moving these issues forward. She writes:

"Interpretation, selection and presentation of data by an expert can vary widely, depending on the position the expert is supporting. A peer review and/or consultation with independent experts early in the process may reassure citizens, making a hearing unnecessary, or it may facilitate a settlement or help to refine outstanding issues. If the board considers expert testimony to be the best evidence ... on issues where the board is considering the public good," then "funding for experts and lawyers could be made available for parties determined to be acting in the public interest who do not financially benefit from the investment in the services of these professionals. Without this best evidence from all parties the board is only determining what position can afford to purchase the best evidence—a determination which hardly requires a public hearing of issues."

So what does this bill say about this discrepancy in resources between proponents and community? The reality is, this bill says nothing. It makes some minor changes which may reduce some of the money municipalities spend at OMB hearings, but it proposes others that will add to the costs of municipalities.

Right now we have groups like Save the Rouge who are before the OMB and working very diligently to protect the source waters of the north Leslie lands. They're trying to defend source waters for the northern part of the GTA, they're trying to defend the source waters of the city of Toronto, and they are on their own. They're scrabbling to find the money to do what has to be done to protect the water sources that this government says it's dedicated to protecting, but they're doing it without the resources you need to have to do a good job.

If we're going to have a bill that has meaningful reform, we have to provide intervener funding. We have to make sure that language is adjusted so that the decisions of the OMB take consideration of municipalities' direction, not just "have regard to." And the whole section on private sector energy plants has to be taken out of this bill. That is completely unacceptable, and frankly I don't think most of the people in this province right now know what's happening. When they do know, which will likely be when this legislation is rammed through, they are going to be a very unhappy lot.

**The Deputy Speaker:** Questions and comments? There being none, further debate? Does any other member wish to speak?

Mr. Gerretsen has moved second reading of Bill 51. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it. It's carried.

Shall the bill be ordered for third reading?

**Hon. Mr. Bradley:** I ask that it be sent to the standing committee on general government, please.

**The Deputy Speaker:** Agreed? Agreed.

**Hon. Mr. Bradley:** I move adjournment of the House.

**The Deputy Speaker:** The government House leader has moved adjournment of the House. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

This House is adjourned until 10 of the clock tomorrow morning.

*The House adjourned at 2037.*

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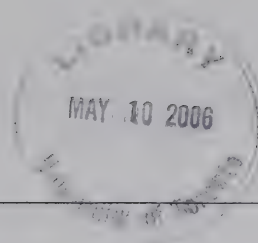
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## Assemblée législative de l'Ontario

Deuxième session, 38<sup>e</sup> législature

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Thursday 27 April 2006

Jeudi 27 avril 2006

Speaker  
Honourable Michael A. Brown

Président  
L'honorable Michael A. Brown

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## LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 27 April 2006

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 27 avril 2006

*The House met at 1000.  
Prayers.*

### PRIVATE MEMBERS' PUBLIC BUSINESS

#### EASTERN ONTARIO

**Mr. Robert W. Runciman (Leeds–Grenville):** I move that, in the opinion of this House, the Ontario government should establish an eastern Ontario secretariat as a special-purpose office that supports the Ministry of Economic Development and Trade, with main responsibilities to provide analytical and evaluative support in the assessment of existing and new policies and programs impacting eastern Ontario.

**The Deputy Speaker (Mr. Bruce Crozier):** Pursuant to standing order 96, Mr. Runciman, you have up to 10 minutes.

**Mr. Runciman:** Thank you very much, Mr. Speaker. I appreciate the opportunity. I know that private members' opportunities don't come around too often; we're fortunate if we have one or two during the life of a government.

When I tabled the resolution, I issued a press release essentially explaining a number of things that I hope to accomplish with respect to this and a number of the justifications for the resolution itself. Certainly eastern Ontario is facing significant problems, or at least certain sections of eastern Ontario are facing real challenges.

I felt that the secretariat itself, if indeed it is established, should fall under the Ministry of Economic Development and Trade. I believe that's the appropriate ministry to address regional concerns that are primarily economic or have linkages to economic well-being. A secretariat could provide a window into government for the residents of eastern Ontario and elected officials. It would also in my view ensure that existing and new policies and programs are assessed for their impact on eastern Ontario. It would give that part of our great province a minister to represent its interests around the cabinet table and in the Legislative Assembly.

Members who have been around here for a while know that I can be as partisan as anyone, but I want to assure you that this is not a partisan initiative. A lot of these concerns have been around for my time in this assembly—25-plus years now—and governments of all political stripes have served during that period of time:

Liberals, NDP and Progressive Conservatives. In my first term in this place, I recall a bill being tabled by George Samis, who was then the member for Cornwall, calling for the creation of a ministry for eastern Ontario. So I think all of us have heard these concerns: the inability; the frustrations with respect to access to government; and initiatives, policies and programs being developed at Queen's Park without appropriate input or feedback from the residents, not just the elected officials, with impacts that are sometimes not favourable to that region. As I said, those concerns cover the waterfront with respect to the implications of involvement of all three political parties in this assembly.

We've heard various suggestions over the years as to how this could be addressed. What I have attempted to do is come forward with a proposal which I believe is cost-effective, responsive and reasonable, and hopefully will gain the support of all members of the Legislature. What I'm talking about here of course is the establishment of a secretariat within government, lodged within the Ministry of Economic Development and Trade.

Some members may have questions with respect to the boundaries of eastern Ontario. Effectively, we have utilized the boundaries that are accepted by the Ministry of Economic Development and Trade in terms of their definition of eastern Ontario. They have been endorsed by the Eastern Ontario Wardens' Caucus and by AMO, the Association of Municipalities of Ontario. These are essentially the currently recognized boundaries for initiatives undertaken by the provincial government with respect to eastern Ontario, and they are supported by municipal officials throughout the region and beyond.

I have based the concept on one of the current secretariats within government, the Ontario Seniors' Secretariat, which is lodged within the Ministry of Citizenship and Immigration. If you take a look at the estimates for 2005-06 for the Ministry of Citizenship and Immigration, the secretariat program, it cost around \$2 million, with 22 employees within the secretariat itself and three staffers on the minister's staff providing him with input. Does it have to be as large as the seniors' secretariat? I don't believe it would have to be. In terms of real costs to the government, I think they would be modest at best. If we're looking at secondments from within government—for example, rural affairs and finance—we're talking about policy analysts, we're talking about economists, we're talking about a range of experts in terms of essentially policy analysis and evaluation, with some people who would obviously be acting as liaisons in terms of



direct contact and providing that window into government for eastern Ontario residents.

1010

If you look at it from that perspective, in terms of this initiative not creating some other significant bureaucracy within government or adding any burdensome additional costs to the taxpayers, I think it accomplishes those goals essentially through secondments and transfers and through attaching those salaries rather than being lodged in the Ministry of Finance, for example, or rural affairs being lodged within the secretariat. I think it's a reasonable, affordable and practical initiative, which hopefully all members will support.

I want to talk about some of the challenges in eastern Ontario, and I can provide all of this information to anyone who wishes to have it, in terms of job losses over just the past year in the manufacturing sector. They have been significant within the boundaries I outlined earlier: close to 1,600 job losses in the manufacturing sector. A lot of these, of course, are impacting small, essentially rural communities.

I've had a few in my riding. There is Prescott's Hathaway shirt manufacturer, which many of us know. During our travels over the years, we have stopped in at the outlet store in Prescott and acquired great-quality products at reasonable prices. Prescott was the Canadian home of Hathaway shirts, and that is now lost and 53 jobs with it. There had been considerably more over the years, but because of the problems facing the textile industry in this country, that had diminished to 53 jobs.

Mahle Brockhaus in Gananoque, a recent closure, is moving to Mexico and the United States—90 jobs. Nestlé, which is in a neighbouring riding in Chesterville is again a factory that had been in this part of the province for as long as most of us can remember—300 jobs. The Harrowsmith cheese factory, another historic operation—89 jobs. Hershey chocolate in Smiths Falls has not closed its doors and hopefully that's not on the horizon, but it has reduced its operations by 50 jobs in the past year. Unilever in Belleville—100 jobs. I was recently advised by my colleague from Barry's Bay of another job loss in his riding: Smurfit in Pembroke—I think 139 jobs are being lost in the city of Pembroke. Cornwall has been especially hard hit, certainly with the Domtar closure, which is the most significant, I believe. Gildan Activewear is another one, with 170 jobs. Satisfied Brake—180 jobs. Spartech—90 jobs.

These are the kinds of impacts we're seeing. For the most part, these are small communities, whether it's Gananoque or Prescott or Chesterville, that are going to have an extremely difficult time recovering from those job losses and those impacts. I think we have to do what we can to address it, and we're limited because we know there are an awful lot of pressures outside this country impacting the ability of manufacturers in this province to compete effectively and maintain their operations.

I encourage all members to support this. This is not a partisan initiative and an attempt to be critical of anyone;

I'm doing this hopefully in the best interests of my part of the province.

**The Deputy Speaker:** Further debate?

**Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh):** I'm certainly pleased to be here this morning and to be speaking, along with my colleagues. I will say right now that I am in support of the member for Leeds–Grenville and the motion he has put forward today. It was just two weeks ago that I had a private member's bill in this House, and the member did speak to my private member's bill. In speaking after the member from Brant had made a presentation here, the member from Leeds–Grenville said, "I have a lot of respect and some affection for the member who just spoke on behalf of the government, but I have to strongly disagree with his comments." I too, in speaking this morning, have a lot of respect and some affection for the member from Leeds–Grenville and certainly am in support of his motion, but I have to say, I wonder where the previous government was and where his party was when we had the desire and the need to have this kind of support way back when they were in government, when he was a cabinet minister. I really have to ask, where was that government? Because if they had thought of this idea and had put it into place, maybe eastern Ontario—his riding, my riding—wouldn't be in the state that it's in today. Certainly, we do have some tough economic times, but I think that if we'd had some support back then, we wouldn't be in this state.

I'd also like to say, speaking on behalf of my riding of Stormont–Dundas–Charlottenburgh, that this government has been nothing but supportive of the small communities like Chesterville; like Long Sault, where we had Gildan Activewear; like Iroquois, with St. Lawrence Textiles; and certainly with the city of Cornwall in their troubled times. We've had great leadership locally from the mayor of the city of Cornwall, Phil Poirier; the mayor of South Stormont, Jim Bancroft; the mayor and warden of South Glengarry, Jim McDonnell; the mayor of North Stormont, Dennis Fife; the mayor of North Dundas, Alvin Runnalls; the mayor of South Dundas, Lyle Van Allen. They've always been very supportive of the best they can have in their municipalities. They have been working very closely—all those leaders have been here to Queen's Park to meet with the Premier, to meet with the Minister of Natural Resources, to meet with the Minister of Economic Development and Trade, to meet with the Minister of Energy. Just next month, on May 16, the Minister of the Environment is going to be in my riding. This just shows the interest of my government in the leaders of my community, who are working so hard.

I think it's important to recognize too that the Leader of the Opposition has been in my riding a number of times; in fact, he was there last Friday. He comes into Cornwall and he always talks about the city of Cornwall. There's more to my riding than the city of Cornwall. I have a large, large rural riding with small towns, one-industry towns, that have lost those supports, and we hear nothing from the Leader of the Opposition with regard to those small communities in my riding. I wonder if he



considers them worthy of his attention. I know that I do. I'm there speaking all the time. I certainly think that this motion would address some of the concerns of those small areas.

I look at our government being supportive of the communities in my riding, and I know that I continue to hear appreciation all the time. Just as an example, Mayor Phil Poirier of the city of Cornwall said on March 24, "All those meetings, all those proposals finally paid off. I knew all along we were going to get something. [The province] owned up to their promise," to help. In the same edition of the *Standard Freeholder* he also said, "The province is listening."

Yes, we have listened. I can say that I think this motion is a great one, to establish a secretariat, and it will go a long way in what we're doing, the McGuinty government is doing, for the economic situation in eastern Ontario and in my riding.

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):** It is my pleasure to stand in support of my colleague from Leeds–Grenville and his resolution here this morning to support what we think is an important issue in the eastern part of the province, eastern Ontario.

It seems unfortunate that we always have to bring these issues up at a time of private members' business. Quite frankly, the government should show an interest in prioritizing the needs of eastern Ontario, because it is clear by the evidence that the member for Leeds–Grenville has shown already today that we're falling behind, and the government seems to only recognize the part of the province that is in the GTA. It always seems that we've got to raise these issues here in private members' business.

The lack of support for eastern Ontario was evident in the recent budget. It has been evident in the fact that they refused to support the bill of my colleague Norm Sterling, the member for Lanark–Carleton, when he proposed an eastern Ontario economic development fund. It is coming up again in the House. It has passed first reading and will again come up for debate. I hope the government will actually bring that to fruition this time. My gas tax bill would support people in eastern Ontario, in rural communities; eastern Ontario is primarily a rural part of the province. As a matter of fact, when my bill was debated in this House, the member for Ottawa–Orléans scoffed at it and ridiculed it. That's the kind of attitude we have in that government when it comes to the people of rural Ontario. That is regrettable.

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The resolution my colleague has proposed today would at least show some interest on the part of the government, to indicate that it is important enough to ensure that someone with a seat at the cabinet table is responsible to recognize and articulate the needs and issues of eastern Ontario at that table. The current members of the cabinet who reside in there don't seem to be doing that. It is important that the people of eastern Ontario have a special voice. I've got to give a lot of credit to my colleagues Norm Sterling, Bob Runciman, Laurie Scott, and

a new member here for Nepean–Carleton, Lisa MacLeod; I'm quite certain she will be a vocal supporter and proponent of support for eastern Ontario. We'll be hearing more from two of them later on.

I've got to give a lot of credit to the Eastern Ontario Wardens' Caucus, headed by the warden from my riding, Bob Sweet, who has been tireless in making a pitch to this government to recognize that eastern Ontario has different economic needs, that it has different issues affecting it and that it must get the ear of this government if we are going to be able to survive what is happening in eastern Ontario. My colleague talked about the job losses. If we're going to be able to go beyond those and continue to offer people in eastern Ontario, in particular in rural eastern Ontario, a standard of living that is fair—Mr. Runciman talked about the job losses. Many of these job losses that are outside my riding still affect my riding. When Domtar shut down with 91 jobs in Cornwall, that affected people in my riding because much of the fibre shipped to Domtar comes out of companies in my riding. Of course, recently there were the 130-some jobs at Smurfit in Pembroke.

In total, a lot of things are happening negatively in eastern Ontario. I think this resolution, if supported by the government, will go a long way to at least indicate to the people who live there that they have an interest in supporting the needs of the fine people who reside in eastern Ontario.

I commend the member for Leeds–Grenville, who is one of the most articulate and forcefully speaking members of this House when it comes to supporting the people from eastern Ontario. I commend and thank him for this resolution.

**Mr. Michael Prue (Beaches–East York):** I will be supporting the motion, as will my colleagues in caucus, when the time for the vote comes later this morning. In supporting this resolution, though, I have to state and admit that this is a problem not unique to eastern Ontario. A secretariat being brought about in eastern Ontario is a good idea, but we should also have one for rural Ontario and one for northern Ontario. We should have one for all the manufacturing sectors and all the rural locations that are having a very hard time economically, because that is in fact what this Legislature is supposed to do. I would think that's what the government should try to charge itself to do.

I commend the member from Leeds–Grenville, because as he has quite rightly stated, he is not the least partisan member of this House. He knows quite rightly that he is out here to make this resolution for the people of his riding and the people in the surrounding ridings, and is doing his very best to try to bring economic activity and some form of government impetus to do something about what is happening there.

We know that the manufacturing sector in this province is in decline. In spite of the protestations I might hear from time to time from the members in government opposite that it is not in decline, we know quite well that it is. In fact, I have here the Statistics Canada Labour



Force Survey that shows there has been a loss of 140,000 manufacturing jobs, more than 12% of the total, in the 18 months between July 2004 and January 2006 in Ontario. If you look at the chart, it is quite disturbing. You can see that manufacturing jobs in Ontario were in the 1.1-million range in September 2003. They actually climbed until July 2004 and then started a precipitous decline. Literally month after month, with a few blips, it has gone down until January 2006, where it's actually gone below one million manufacturing jobs in this province.

The member has quite rightly stated the number of manufacturing jobs that have been lost in eastern Ontario. He listed them off, everything from the Hershey factory in Smiths Falls to Domtar in Cornwall, and of course they have been lost.

Eastern Ontario is not unique; eastern Ontario is like every other part of the province. But what makes it particularly harmful to eastern Ontario, and to northern Ontario, where it occurs is that many of these are small municipalities. They are small municipalities that have one or two industries, and to lose one has a huge effect. To lose a factory job in a city like Toronto, Mississauga or Markham is of course very painful to the people who lose their jobs, but in terms of the wider municipality it is not that great a problem because there are so many others that jobs can be made available to those who have the misfortune of finding their factory closed. But in a small town, that often does not happen. We saw just the day before yesterday what is happening in Smooth Rock Falls, losing I think it's a planer mill—certainly within wood fibre. It's losing that, and that is literally the only major employer in the town. It would be near impossible for that town to recuperate, unless in fact they can convince someone to keep that operation going.

We also have to be worried about what is happening in Ontario in the long term. Not only are these declines forecast that have taken place since 2005 right through to 2006 showing a steady decline in the jobless rate in Ontario in the manufacturing sector, but I was disturbed to see in, I believe, the *Globe and Mail*—it might have been the *Financial Post*—a day or two ago, in a column in one of the business sections, the anticipation of where manufacturing was going to go in Canada in the next year. What it said was disturbing because, although it seemed that there would be jobs in manufacturing for export increased in Canada, the only province that was going to show a decline was Ontario. They are forecasting a decline for Ontario of an additional 1% in 2006-07.

I can understand where the member from Leeds-Grenville is coming from, because a further decline in that particular part of the province will of course have disastrous effect. But we, as a Legislature, need to look to all of the province, and we need to look for solutions.

We have seen what's happened just in this morning's paper around the softwood lumber issue. It appears that Ontario is not going to do very well in the bilateral talks. I don't know where the minister was during those talks. I don't know where the government was during those

talks. I understand that Ontario was at the table, but we seem to be getting short shrift on those.

We know that the mining sector is doing fairly well, and we're thankful for that. The cost of most of the minerals, most of the iron and nickel and copper, is increasing in value, and so is prosperity around mining towns. But they seem to be alone and unique, because the manufacturing sector, which was the bedrock in Ontario for many years, appears to be suffering from job loss.

There are a number of factors that come into play here, one of which has been cited very often, the high Canadian dollar, but I would suggest that's not the real cause. The real cause is that we have, many years ago, hitched our wagon to bilateral trade. We have talked about NAFTA. We have talked about one economic bloc for all of the Americas, including Mexico, the United States and Canada. The trade seems to move back and forth, and we have hitched ourselves to that. Rightly or wrongly, that is the economic reality of today.

### 1030

I will tell you that it is becoming increasingly difficult for Ontario to participate in a way that we once did. We are no longer trading as much amongst ourselves. Ontario is no longer producing the goods for Quebec, the Maritimes, the west and British Columbia. We are more and more reliant upon exports to the United States. As they change and as the Americans are finding themselves in deeper economic issues and deeper economic problems, running a trillion-dollar deficit, spending billions of dollars every day on the war in Iraq, causing a balance of payments which is not sustainable in the long run, of course Canada is suffering. The United States is flexing its economic and legal muscle in order to ensure that some of our goods are having a hard time vis-à-vis—softwood lumber is the best example. It used to be shakes and shingles and other commodities that we traded into that country. They're putting up protective walls to look after their own industries in spite of the NAFTA agreements.

There is no doubt that small towns in eastern Ontario and all over Ontario are having a hard time. Just this past week, I got a letter. I don't often get letters like this from small-town Ontario, but here's one. It is from the east, but not that far east, from Loyalist township. They are very upset, and rightly so, because not only are they having a hard time in terms of jobs and infrastructure, but the government has just announced to them that the Ontario municipal partnership fund allocated to the township is going to be drastically reduced. I looked at this in terms of today's debate and thought, this is absolutely what is happening and perhaps why we need a secretariat, not only to look for new jobs, not only to preserve jobs, but actually to look at how these smaller towns can be helped, how these smaller towns don't fall into cracks or into policies that really are not well designed in terms of their needs.

This is what's happening in Loyalist township. In their letter, and I'll quote a few sentences, it says, "The OMPF"—Ontario municipal partnership fund—"allo-



cation for 2006, excluding the phase-in adjustment and the additional one-time special assistance adjustment, before phase-in, represents a loss of nearly 40% of what was previously received as CRF funding (\$867,639"—which they're going to get now—"vs. \$1,382,000)" which they got before.

They go on in the body of the letter to say that the government of Ontario claims that the reason they're being reduced is because of their proximity to Kingston. They're a small township not too far from a medium- to small-sized city in eastern Ontario. They go on to say, "If this loss of funding had to be raised in 2006, it alone would have resulted in an increase of \$69.28 for a residential taxpayer using an average residential assessed value of \$157,100, or an 8.5% increase over 2005 taxes for township purpose. This increase would be over and above any other tax levy increase to meet increased costs of operating the township."

They go on in some detail to describe what is happening elsewhere in Ontario and how this area of Loyalist township in eastern Ontario is being hard done by. I don't have any doubt that what they have written in this letter is correct, and I don't have any doubt that the monies are needed for justifiable purposes for their municipality. What the member from Leeds–Grenville has put forward would be I think an opportunity for a secretariat to look after not only, as I said, the manufacturing sector and the loss of jobs but the entire economic sector and what we can do to make sure that the smaller towns and rural areas can be looked after.

Having said that, I listened as well to the member from Stormont–Dundas–Charlottenburgh, and there was one very puzzling statement in what he had to say. Although he's supportive of the bill, and I thank him for that, he had to say he wondered where the Leader of the Opposition was in all of this, in all of the talk around what was happening in Cornwall and in his riding. I would remind the honourable members that there is a government side and an opposition side, and it is the government's side to do something. It is the government side that has all the strings, all the control of the bureaucracy, control of how the budget money is spent. It is you who decide this. It is not the opposition. It is our job not to oppose you but to be critical of what you do, where you fall down and where you fail. I think any kind of statement that the Leader of the Opposition, or any member in the opposition, is somehow responsible for not doing enough for eastern Ontario is a false one. It is an argument that cannot and should not be allowed to stand unchallenged. It is a government responsibility. That's what this bill is attempting to do: To push the government to take responsibility for what is necessary for eastern Ontario.

I would suggest that there is also a great deal of difficulty in other places of the province, a great deal of difficulty in northern Ontario. We know that population has declined significantly. I don't believe it's reached third reading yet, but there is a motion before this House talking about sustaining the number of ridings in northern

Ontario. Because the population has declined, the federal government has actually lost one whole riding in northern Ontario. People are moving out of northern Ontario because of job loss, because the paper mills are being shut down, because of a whole wide variety of things. We know that is happening.

I would suggest that we support this bill. I went to the website—if I can find the document here—that Mr. Runciman, the member from Leeds–Grenville, had prepared. On his website, he did indicate what the problems were and why we needed to do something. I think it's instructive, because he doesn't talk so much about eastern Ontario. The first bullet point is, "There is a crisis in rural Ontario." We all know that is true. We know there is a crisis in rural Ontario. We have listened to the farmers and we know that the monies they are making are not sufficient to keep the farms operational, in many cases. He says there are "assaults on the rural way of life." We believe that to be true as well. He goes on to say that there are "MNR policies on fishing regulations and fish sanctuaries" that adversely affect regional tourism. That is true not only in eastern Ontario but literally everywhere in the province outside of the major metropolitan areas. He goes on to talk about, "conservation authorities, harmonizing their regulations ... infringing upon rural Ontarians." Again, it is a rural argument. Then he goes on, lastly, to talk about farmers' markets, church pot-lucks and the Ministry of Health.

This is a rural issue. It is a northern issue. It should be expanded. We are going to support this, but clearly there is an obligation on this government to do much more for the people in rural and northern Ontario, and if it is done in eastern Ontario as well, that's fine by us.

**Mr. Ernie Parsons (Prince Edward–Hastings):** I am very pleased to speak to this bill. I will certainly be supporting it for a number of reasons, one of which is that this is the closest to an act of remorse that I've seen on the part of the opposition party. They don't want to actually say they're sorry, but they're getting close, and I'm encouraged by that. This will establish what eastern Ontario used to have. We used to have the Eastern Ontario Development Corp. that essentially did what is proposed in this. It was a good corporation, but it was the previous government that disbanded that. So thank you for going through the healing process and acknowledging, "We were wrong, and we want to bring it back." I hope you feel the better for it.

In the meantime, folks, life has gone on in eastern Ontario and other people have stepped up to the bat. I'll say I'm supporting this because every little bit helps, but eastern Ontario has its own uniqueness, as every part of Ontario does. One of the realities in eastern Ontario is that our population density is lower than, say, the Metro area or southwestern Ontario. That means for us in eastern Ontario, for our industry that produces products that invariably are going to be sold out of the area, highways are a major issue.

This government downloaded vast kilometres of provincial highways to the local taxpayers. Of all of the



highways downloaded in Ontario, 40% of them were in eastern Ontario. In eastern Ontario you can drive for a considerable time where there's no housing. In fact it's crown land that doesn't produce the tax revenue to fund these highways. So I believe a great disservice was done to eastern Ontario by that.

1040

I think of the challenges that have faced industry in eastern Ontario. Regulation 170 has caused great problems for our community. It was the previous government—in fact I believe it was the mover of this motion—that signed that, when they created the false crisis over walleye fishing in the Bay of Quinte and we lost people coming to our area as tourists.

It was this government that created MPAC, which has caused great difficulties for our homeowners and businesses in eastern Ontario. The downloading of ambulances, the downloading of policing, all made the taxes much more difficult when you need the high level of service that our citizens are entitled to but there are fewer taxpayers to pay for it. So I'm pleased to see the turnaround, saying that at least we need to do something to try to fix what we messed up.

There's been mention in the debate so far about job losses, and no one in this Legislature wants to see that happen. When I hear announcements, wherever in Ontario, I feel so badly for the families and for the communities. But on CFRB in December 2005, not that long ago, when asked about job losses, "What exactly can the government do to stop these job losses?" Mr. Tory responded, "I don't think you can necessarily stop them."

As the Dalton McGuinty government, we certainly can and have worked very hard to increase employment in eastern Ontario. I think of my own community of Belleville, where I was present when Procter and Gamble unveiled their plans for a new building and a new product line that will generate, I believe, about 80 new jobs, 80 good jobs. That's happening because the Dalton McGuinty government stepped up to the plate and said, "We will assist with training the new employees for this area." So we're seeing those great jobs come.

The opposition has spent a great deal of time focusing on Cornwall, yet I have list after list of good things that are happening in Cornwall: Ridgewood Industries, 350 employees, now looking to expand; Prince Foods, 30 additional jobs; Nav Canada, 125 more people; Procter and Gamble, 80 new positions at Brockville; PDL looking to employ 50; Startech is expanding; Teleperformance—it goes on and on. This mix has changed perhaps in Cornwall. I can assure the people in Cornwall that both their member, Jim Brownell, and this government will do everything for Cornwall, and I think we've demonstrated that.

I'm proud of my community. When the Eastern Ontario Development Corp. was wound down by the previous government, we know—and I'm thrilled that my community recognized that if their neighbour does well, they do well. Rather than having competition to attract jobs, I now see that Brighton, Quinte West and Belleville

have banded together and said, "We will work collectively to attract industry to this community and to create jobs."

I'm very proud of what our government is doing. I will support this bill, but shame on you for disbanding the previous one.

**Ms. Lisa MacLeod (Nepean–Carleton):** I'd like to congratulate the member from Leeds–Grenville on this non-partisan and very inclusive resolution. He has been a strong advocate in this assembly for many years for our region of eastern Ontario.

There's hardly going to be a day in this Legislature where you're not going to know where I come from and who I represent. I'm proud to be from the riding of Nepean–Carleton, and I'm proud to call the nation's capital, the city of Ottawa, my home.

My riding and my community of Ottawa are the heart of eastern Ontario, and for many years and throughout various governments, the people where I come from have been frustrated with the lack accessibility to our government provincially. What comes to my mind, aside from the economic hardships many of the members here have mentioned, are some of the local issues in my community that are reflected in Nepean–Carleton, where farmers, for example, in Goulbourn township are frustrated with their farmland being designated as wetland. They're afraid that their land is going to be confiscated without being compensated and they need the provincial government to help them. I believe that the eastern Ontario secretariat would be a real asset to these farmers. This secretariat has the potential to not only have input into legislation but also to be a voice in government for these farmers with the Ministry of Natural Resources.

I also think of the Carp Road landfill site. Hundreds of families in my Nepean–Carleton riding are concerned about the expansion of this ever-expanding landfill site, and today the proposal is to more than double the size of what is now known as Carp mountain. On this side, we have been calling on the Minister of Environment in this House to seek other waste management alternatives rather than approve the expansion of this landfill. I and the member for Lanark–Carlton have been asking the Minister of the Environment in this House to get involved. We are justifiably concerned. This site has been in operation for 30 years and had been expected to close in 2010, but in those 30 years the village of Stittsville has grown enormously. It's become a bedroom community, a vibrant community. It's just not feasible to expand the landfill.

We believe that the eastern Ontario secretariat would be beneficial for our residents, who feel their needs with the provincial government must be addressed through their own ministry. I feel strongly. Although I did not address my remarks to the impact on the economy the secretariat would have, I believe the eastern Ontario secretariat should be under the umbrella of the Ministry of Economic Development and Trade. Our livelihood, our culture and our unique interests in the national capital, as well as in eastern Ontario, all contribute to our



economy or are inextricably linked to our economic well-being.

In closing, I would like to once again thank and congratulate the member from Leeds–Grenville, who I believe has come up with an innovative, cost-effective and viable solution to the disenfranchisement we sometimes feel in eastern Ontario. I would encourage all members on the opposite side of this chamber, whether they're from eastern Ontario or not, to support this resolution to create an eastern Ontario secretariat, so that we can have a window into government through a minister who will hear and represent the interests of the people of eastern Ontario and Nepean–Carleton.

**Hon. Leona Dombrowsky (Minister of Agriculture, Food and Rural Affairs):** I am happy to have the opportunity this morning to speak to the resolution that has been brought to us by the member from Leeds–Grenville. I appreciated, in his remarks this morning, his hope that as members of this Legislature we consider the resolution and are able to do it in a non-partisan way. Whenever there is a resolution particular to a part of the province that brings with it the spirit of supporting the economy within that region, that is something all of us should definitely support.

This morning I'm very happy to say that I've been a resident of eastern Ontario all my life. I'm a Tweed girl: born and raised in Tweed, Ontario, raised our family in Tweed, Ontario, and I certainly appreciate the many wonderful qualities that living in a rural community and living in eastern Ontario provide.

I want to say, with respect to the folks in eastern Ontario and some of the challenges we face, that we are not a densely populated part of the province—I would argue, however, that it's the most beautiful part of Ontario—and there are challenges in developing the local economy. I would also like to remind members of the Legislature that our government has implemented a number of programs that we believe will support and assist with economic development projects, particularly in eastern Ontario.

For the record today, I would like to remind folks of some of the initiatives of our government. With respect to the Move Ontario initiative, with \$400 million for municipal roads and bridges, more than \$60 million of those dollars came to eastern Ontario. With the rural economic development program, we have received 47 projects that account for \$37 million being invested in eastern Ontario. With respect to the OSTAR program, 75 projects, in total \$83 million, have been invested in eastern Ontario. Most recently, COMRIF, the Canada-Ontario municipal rural infrastructure program: For the most recent intake, there were 24 projects, for a total of \$47 million invested in eastern Ontario. We have also come up to the plate in terms of assisting municipalities with the burden they bear in providing land ambulance services. We have invested \$300 million over the next three years toward 50-50 cost sharing.

1050

The establishment of the Eastern Ontario Wardens' Caucus was referenced by the member from Renfrew–Nipissing–Pembroke. I want to say to the members of this Legislature that I think they are a very effective body that advocates on a range of issues, municipal and otherwise, that would improve their ability to develop their region economically. I've had the opportunity to meet with these wardens on a number of occasions. They continue to have my commitment and my support. I believe the announcements of our government most recently in the budget demonstrate that they are being listened to very carefully. We will continue to look to enable them in their particular roles.

I'm delighted to have had the opportunity to speak to the resolution that's before us today. I commend the honourable member for bringing it to this Legislature. I think any time that we have an opportunity to talk about eastern Ontario, what a unique and wonderful place it is and how we can better support it as a government, is always worthwhile.

**The Deputy Speaker:** Just one second. I reminded myself this is private members' business, so the previous speaker was from Hastings—

**Hon. Mrs. Dombrowsky:** Hastings–Frontenac–Lennox and Addington.

**The Deputy Speaker:** Hastings–Frontenac–Lennox and Addington. You see what kind of difficulty I have.

The member for Lanark–Carleton.

**Mr. Norman W. Sterling (Lanark–Carleton):** I want to rise in support of Mr. Runciman's motion to establish an eastern Ontario secretariat. As members know, I've introduced in this Legislature a bill to create an eastern Ontario economic development corporation to provide some financial muscle to those communities in eastern Ontario outside of the city of Ottawa to be able to step up and participate in government programs.

While economic issues are indeed important, for me this bill not only has an implication for those areas outside of the city of Ottawa but also within the city of Ottawa, because the city of Ottawa is unique in many aspects and different from any other community in the province of Ontario. So I not only want to talk about the needs in Prescott, Havelock and Lanark village, which are towns that need economic stimulation and economic health and special consideration when dealing with their problems—because those kinds of communities have some of the lowest incomes in all of Ontario, and that includes the north as well—I also want to indicate that the city of Ottawa finds itself in a different situation than many other municipalities.

As you know, when the finance minister came forward with this \$1.4 billion, the city of Ottawa, while representing 8% of the population, got about 3% of the money with regard to that \$1.4 billion. Now, we've seen that the eastern part of the province, not only in the rural areas but also in our urban areas, gets shortchanged from Toronto quite frequently, and it was just exhibited most



recently in the late March madness of handing out a huge amount of fiscal wealth.

But the city of Ottawa and eastern Ontario have a very large francophone population with respect to their overall population. I believe the city of Ottawa has 35% of the population which is francophone-based. I think that, within a secretariat, the recognition of the needs of our francophone community would be at the forefront and would be an important aspect of Mr. Runciman's resolution.

We also have the largest population living on an inter-provincial boundary, so for Ottawa members and eastern Ontario members, particularly along the Ottawa River, it became very important with regard to the construction laws, as we have learned, and the labour disputes with the province of Quebec. I think the eastern Ontario secretariat would show leadership and be involved in those kinds of disputes and in those kinds of policy matters with regard to the provincial government more so than the leadership that this government is presently showing on those kinds of issues.

We have problems in terms of transportation going across the Ottawa River to the Quebec side. We need increased transportation links. While the NCC and the city of Ottawa and Outaouais are in fact involved in those issues, we need a larger provincial presence in those kinds of issues as we go forward. I think the eastern Ontario secretariat would do us well in engaging us in those kinds of discussions and planning, which we need not only for those lands within our border but those lands outside.

Lastly, I think the most important part of this resolution is that it would provide some communities outside of the city of Ottawa a much-needed boost in morale for their future, as they're suffering, in some cases, declining employment and manufacturing jobs leaving. We need an economic stimulus, and we do not see leadership within this government to deal with that particular problem for our eastern Ontario communities.

**Mr. Jean-Marc Lalonde (Glengarry–Prescott–Russell):** I'm delighted to be able to speak on this resolution this morning because I will definitely be supporting this resolution.

Let me tell you, way back in 1989, the former Peterson government put together a cabinet committee which was chaired at the time by Richard Patten, the Ottawa Centre member, but one of the two previous governments cancelled it. I also want to go back to the Eastern Ontario Development Corp. that was put together for eastern Ontario to help develop an industrial park, for example, of which I had the benefit of \$350,000 in my town of Rockland at the time. But then the previous government, the Harris government, cancelled that program that we had in place. That was definitely to help out small communities in eastern Ontario to develop and attract industry.

I have to say that even though we don't have an economic development secretariat in place, we have been

taking care of eastern Ontario communities. If I look at Cornwall—

**The Deputy Speaker:** Thank you. The time has expired.

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** It's a pleasure today to rise to support my colleague Bob Runciman's resolution that, in the opinion of this House, the Ontario government should establish an eastern Ontario secretariat as a special-purpose office that supports the Ministry of Economic Development and Trade, with main responsibilities to provide analytical and evaluative support in the assessment of existing and new policies and programs impacting eastern Ontario.

The disparities that exist in eastern Ontario have been mentioned many times this morning. My riding of Haliburton–Victoria–Brock—all but a small section, the Brock section—is covered under eastern Ontario and represented well by the mayor of the city of Kawartha Lakes, Barb Kelly; the warden of Haliburton county, Murray Fearrey; and Neal Cathcart, the warden of Peterborough county. They have been working hard with the Eastern Ontario Wardens' Caucus. They have done a lot of analysis and are trying to bring that information forward to the government. I'm glad that the minister mentioned that she has met with them before.

My riding is very similar to the ones that have been brought up and spoken to by my colleagues in terms of the lack of support they need to get jobs into the area. We've all lost manufacturing jobs. In Lindsay, Trent Rubber was a big employer. We have slowly eroded our industrial base and jobs. And there's forestry up in the northern part, in the Haliburton sector. They need some extra assistance. They do have some special problems with a large geographic base, a huge amount of roads that need repair, and the high education tax that they're paying on commercial properties, just to name a few.

In my area, there is a large seniors population, so some type of economic stimulus to attract more young people and jobs to the area would certainly benefit us. I have in Haliburton county alone the second-lowest average income in the province of Ontario, and I have a seniors population well above the average in Ontario in the riding of Haliburton–Victoria–Brock.

They have challenges with bridges, roads, water systems and waste water systems. But there are good initiatives that are going on such as the DNA cluster from Trent University that would be a spinoff for jobs in my area. There's the speed skating oval, the promotion of that in the Lakefield area, with spinoff to the riding of Haliburton–Victoria–Brock. There's the need for broadband infrastructure so that small businesses can get set up.

I just have a short time to say that I'm very supportive of an Eastern Ontario Secretariat and the private member's bill here today.

**The Deputy Speaker:** Mr. Runciman, you have up to two minutes to respond.

**Mr. Runciman:** I want to thank all the members who participated. I appreciate the indications of support for



the resolution. I especially want to thank the Minister of Agriculture in terms of the government response, because it was in the tone that I had hoped would be set with respect to the discussion, and I compliment her for that.

It's unfortunate that there were other political references, especially focusing on the EODC, which is not what we're talking about—a completely different mandate, if members had been here earlier. I talked about the fact that the model I used was the seniors' secretariat, which is lodged within the Ministry of Citizenship and Culture.

I'm talking about a whole range of implications, issues, policies and legislation that can be reviewed by a secretariat and have a minister who can represent those views around the cabinet table, around caucus meetings and cabinet committees as well, and in the Legislative Assembly.

I can give you a couple of examples that I believe are complimentary to the government in terms of the reaction. In rural Ontario, with respect to the premier destination initiative by the Minister of Tourism last year, Kingston and the Thousand Islands were left out of that. The minister's office said, "Well, that's not an icon destination." Certainly there was a lot of criticism in eastern Ontario, and I compliment Minister Bradley, who responded very quickly to that concern and had it designated as a premier destination. Also, recently we had the Ministry of Natural Resources getting rid of sanctuary designations that had been in place in eastern Ontario for over 50 years: very unique; a real attraction for many tourists. I raised that in the House. Minister Ramsay responded quickly and has corrected the situation. I compliment both ministers.

That's an example of the kind of thing. As those policies go through government, they would be reviewed by a secretariat and we wouldn't get into those difficulties. It would also provide the window of access for representatives from eastern Ontario.

Again, I thank all members for their participation.

1100

## EDUCATION AMENDMENT ACT (ORGAN DONATION EDUCATION), 2006

### LOI DE 2006 MODIFIANT LA LOI SUR L'ÉDUCATION (ÉDUCATION SUR LE DON D'ORGANES)

Mr. Levac moved second reading of the following bill:

Bill 33, An Act to amend the Education Act with respect to education on organ donation / Projet de loi 33, Loi modifiant la Loi sur l'éducation à l'égard de l'éducation sur le don d'organes.

**The Deputy Speaker (Mr. Bruce Crozier):** Pursuant to standing order 96, Mr. Levac, you have up to 10 minutes.

**Mr. Dave Levac (Brant):** I appreciate the opportunity to address the House today. It has been addressed a few times in the last little while. I'm awfully glad to see that

my bill, introduced in November 2005, last year, has sparked some interest here. But I will not take credit for our need to address this issue. I want to make sure that everyone is quite aware that there has been a lot of work done by all sides. As has been said in this place several times during private members' business that I've presented, I try to bring to the House during private members' business a non-partisan opportunity for us to discuss bills that will affect all of us in the province. On this particular issue, nobody has a monopoly on how to improve the circumstances, and I would invite a healthy debate on how we can continue to improve our organ donation opportunities here in Ontario.

Before I start on the meat of my speech, I want to thank my former intern, Brian Wettlaufer, who helped create the start of this bill. He did an awful lot of background work while he was in my office. And, as we tend to do, but not enough, I thank legislative counsel, Albert Nigro, who wrote the bill, and also legislative research in the library. They do an absolutely fantastic job for us. As has been said before, a very large thank you to those people who work behind the scenes to help us as legislators forward those pieces of information that the people of the province of Ontario need to hear.

I know we'll have some visitors with us who have indicated they are going to be here as soon as possible. Mr. George Marcello is the recipient of a liver transplant, but he is also a very great advocate. He travels the country advocating organ transplant and works with as many organizations as possible to get the word out there that we need to have more donations.

Donina Lombardi, the daughter of Johnny Lombardi, has taken it upon herself in the tradition of her dear dad to educate the multicultural communities about organ donation—another advocate on our behalf from the grassroots. We thank her.

In the gallery today we've got Jennifer Tracey from the Trillium Gift of Life Network and Paul Casey, another recipient. This is a grassroots movement that I'm hoping to stir, along with the other members who are introducing bills, to bring us to the realization that we need to do more.

I want to pull out of my pocket something that I carry with me all the time. I've done this before and I'll do it again. This is my organ donor card. It's signed. It's dedicated. But what's more important is that I've had the discussion with my family, who have all signed their donor cards. They understand my desire to make sure that if in this old body there's a piece of me that can be used after I go—I'm not sure of the way I'm treating myself, but I know that I want this gift to continue. My family understands that and are going to honour that. They will be going through, as all donor families do, a very difficult time during the very moment in which these organs are needed. The more we can get these kids educated, before they become drivers, before they become absolute donors in our case, we need to get that culture changed. That's why I signed my donor card.



But there are also other things that we can do. We will be hearing the disturbing statistics regarding this from many people. Last night, I was fortunate enough to be in front of some people who put a face on it. We need to talk about that.

We've got other bills before us. We've got three other bills besides mine, and I want to bring credit to those people who have introduced them.

We have Bill 61 from Mr. Kormos, of the NDP from Niagara Centre, An Act to amend the Trillium Gift of Life Network Act, and that is on what is called "assumed consent." That's another discussion we're going to have, and I encourage that.

Bill 67, An Act to amend various Acts to require a declaration with respect to the donation of organs and tissue on death, has been introduced by Mr. Keels from Oak Ridges, and we'll be debating that one as well. I want to support him, and I told him I would.

Bill 79, An Act to amend the Trillium Gift of Life Network Act, the Health Insurance Act and the Highway Traffic Act—M. Lalonde from the Liberal party—is another bill that brings forward the whole concept of understanding it.

If we can get a hybrid bill out of this, and it's absolutely what everybody wants, I'm all for it, because we need to move forward on this.

Let's talk a little bit about those statistics. We've heard—and this is the one that bothers me the most—that every three days someone dies waiting for a transplant. It's not that they wouldn't survive with it, but they actually die waiting for it. That's not acceptable. There were 469 donors in 2005 and 763 transplants in 2005. There were 1,720 people who were on the waiting list in 2005, and unfortunately that's growing as well. There have been 237 transplants so far this year; 132 donors so far this year, compared to 100 at the same time last year. That means there's actually an increase, and that's good news, but there are still more than 2,000 people waiting now to receive an organ. All parties have recognized this, and I compliment all of those who are saying yes to increasing our ability.

I want to move to what my bill tries to do. My bill, An Act to amend the Education Act with respect to education on organ donation, will do something different than these bills do. These bills are responding to the immediacy of what we can start. My bill is designed to change a culture. What we're trying to do is get in front of those bills by having the culture we need already built in. What's a good place for doing that? The education system.

We have had people step forward before this. This isn't a new idea. The multi-organ transplant program at the London Health Sciences Centre created a curriculum called One Life...Many Gifts. Right before us, I would just like to hold up—and I know it's a prop, but I know no one will really get upset with me about it. They've got pamphlets, they've got the CDs, the VHSs and a full curriculum that's already implemented in both the Catholic board in London and the Thames Valley board in the public system. It's used 100% by all the high schools. It's

already in place and it is not an add-on. One of the things I've learned from my discussions with the inside stakeholders is that they were concerned that we might be trying to implement a brand new curriculum on top of what they're already doing. So I want to suggest to them very respectfully that that's not going to happen.

I want to give credit to Cate Abbott, Rodger Dusky, Mahms Richard-Mohamed and Dr. William Wall—particularly Dr. William Wall, who has been a very stalwart advocate on behalf of what this is all about, and that is to save lives as young as months old. Young children are getting transplants, and without those organ donations, these children would die.

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I saw and heard last night in this place stories about children and adults that brought tears to my eyes—to hear the wonderful gift that these people brought forward, and the tapestry that's going to be travelling the province. It is a two-part tapestry: those who are telling a story of donation—of the wonderful life, the gifts from the family members—and the recipients, showing what it means for them to survive.

I met a little girl last night. She had a full transplant, a multi-organ transplant. There was no way she was going to survive. Now she's a vibrant little 9-year-old who is just a gem and an angel. She understands what a transplant is all about. Why can't we get this done in our schools?

There's no way we are meeting with resistance. I've received feedback from everyone I've written to indicating that I'm on the right track. Dr. William Wall says, "We have a conviction that part of the reason for the higher rate of organ donation in southern Ontario—24 per million population, compared to the provincial level, an average of 13 per million—is the success of the curriculum project."

I've also received letters of support from various stakeholders—the Huron-Superior Catholic District School Board, the Ontario English Catholic teachers—that although they have some concerns, which we will address, they are going to move forward with it. The principals' associations, the trustees' associations, the Kidney Foundation—I could go on and on and I've only got a minute left.

I want to suggest to you that there are some things we need to do, and that is to ensure that the Minister of Education is aware of our concerns and that we understand that books like this: the annual report from the Ontario Trillium Foundation, the Trillium Gift of Life Network—three decades of transplantation, a multi-organ transplant program. These types of organizations have been working for decades to improve it.

We also have the organ donation position statements from the Kidney Foundation, which has been very supportive in moving this forward. Here are some of the things they want to do: public education and professional education. They understand that to change this culture, we must move forward with our young people.



I want to suggest to you a quick example: Mothers Against Drunk Driving. Before they came along, it was culturally acceptable to get in a car, loaded to the gills, and drive away. They said no; they changed the culture. Today we have an opportunity to change the culture once more. Sign your donor cards. Make sure everybody knows that you want to help give the gift of life.

**The Deputy Speaker:** Further debate?

**Mr. Frank Klees (Oak Ridges):** I want to commend the member for Brant for bringing this bill forward. I want to say at the outset that I and my colleagues will also be supporting it. It's the right thing to do.

I'm pleased that we have before us an issue that is really common ground. It's not often in this place that we debate an issue where there is common ground. But on this issue I know there isn't a member here who doesn't support the principle that's being proposed, who doesn't support any initiative at all that we can come forward with in this province to save lives.

The issue that is being brought forward and encouraged through this legislation is to begin with young people in our school system to help them better understand, first of all, what organ donation is and how they as young people can help save lives. We know what will happen if young people learn about this in the appropriate way in their classrooms: They will take it home and teach their parents as well, because there's a lot of misunderstanding and a lot of false information today regarding this issue. What we need to do is have clarity of thought. We need to ensure that everyone fully understands just what this gift of life involves. What I like about the member from Brant's proposal is that we begin to instill, in the very early stages of Ontarians' lives, the concept that they have within them the gift of life and that it's their choice to be able to share that with others.

I also want to take the opportunity to thank not only Dr. Wall from the London Health Sciences Centre but his colleagues throughout the various hospitals in this province. Ontario has shown leadership on the issue of organ transplants. In particular, we don't hesitate to emphasize Dr. Wall's role in helping to develop this strategy of education of young people.

I would like to read from a letter Dr. Wall sent me, dated March 9. This was in response to the private member's bill I introduced regarding organ donation that was debated here and that received, thankfully, unanimous support from all three parties. As you know, that bill, if implemented, will require of the government that everyone in the province of Ontario, 16 years of age and older, when they apply for or renew a driver's licence or a provincial health card, answer a question relating to organ donation. That question will allow for a yes, a no, or an undecided response so that no one is forced to make a decision to be a donor or not to be a donor. What it does require is that people have an opportunity or are confronted with the issue. I think that, in itself, is going to considerably increase the number of positive decisions made to become organ donors.

Dr. Wall states in his letter, "We have found that when people are educated and discuss their wishes with their families, then the next of kin typically upholds their personal decision to donate."

I make reference to that because it is so important that this decision regarding organ donation is not made in a vacuum, because with our system in Ontario, even if someone makes a decision to be an organ donor, there is still subsequently the discussion with the family, and many times it is the substitute decision-maker who, at the end of the day, will actually interfere or make a decision contrary to the wishes of the deceased. That is the state of our law today here in Ontario.

It is so important that the next of kin, who ultimately will be that substitute decision-maker, knows full well what the intention of the deceased was, and that of course will then result in positive decisions being taken at that crucial time.

In the way of education, I want to add to the discussion that I believe it's extremely important that we look at other ways of educating the public about this issue. With regard to my bill, it was never intended and would not be intended that it simply be a question on the application form for a driver's licence or a provincial health card. It is assumed that there would be, along with that application form, appropriate information relating to organ donation and what it is, so that there would be a point of education at the very time people would fill in their renewal applications.

With regard to drivers' licences, those renewal application forms come in the mail and there's plenty of time for people to pursue it. In fact, I have one sitting on my desk right now that I have to get around to completing. But along with that application form, I envision that there would not just be the opportunity to make a decision about it, but also that through the Trillium Gift of Life Network the appropriate information would be supplied that would motivate people to that appropriate decision.

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I also think it's appropriate for the media to have a role to play. I want to thank Ted Woloshyn, who I know, Speaker, you probably listen to regularly every morning. Ted signs off every one of his programs every morning with the words "Don't forget to sign your organ donor card"—very positive. What I'd like him to do at the same time is to say, "And by the way, if you don't have one, then go to the website [www.giftoflife.on.ca](http://www.giftoflife.on.ca) and download the application form." We need the media to help us get the message out. There's only so much that one person can do.

I want to thank someone with whom I have had some discussions over the last little while. His name is John Divinski. John has a radio program entitled Sounding Board. It is out of Port Elgin, 98 the Beach radio. I mention John because he's doing what I wish more people in the media would do: He's profiling this issue. He's had a couple of programs now, an hour in length, talking about this. I had the privilege of being on this program just this past week. But here was the magic of



that hour: Along with me, he had guests on that program, and one of these guests was Dianne Dalton. Dianne Dalton is the mother of a young son who was killed in a car accident. On the other end of the line, along with Dianne Dalton, was the young man who received her son's heart. This man is now alive because of Dianne's son. When you hear that kind of discussion, you can't even comprehend, first of all, what it means to the gentleman who is alive today because of that heart that was donated, but equally as important, what it means to the mother who knows that her son gave life in his death. What an amazing, amazing experience that is.

So I say that I think the media can do much more to help us get this kind of message out that it's more than just a technical term, it's not just another health care issue; it's life and death.

But I also want to caution the media. I'm going to read this into the record, because it shows the obligation on the part of the media to get the message out correctly. This is an e-mail I received from Lilliana Migliazza-Carbone immediately after the tabling of my private member's bill. I want to read it into the record, and I'm hoping that our press gallery will read this. It goes as follows:

"Dear Mr. Klees,

"I owe you a sincere apology on my thoughts while reading the attached link that was an article featured in today's Hamilton Spectator. I have never contacted any MPP or anyone in Parliament in regards to my feelings on issues. I researched your e-mail address in the hopes of telling you that I disagreed with your bill and I was ready to tell you that you have no right to force people into being organ donors. While on your home page I found a link to the bill that you actually proposed. I'm so glad I read it. I am an organ donor and I do understand the importance of making people aware of its importance. So I am amazed at my change of attitude between what I read in the newspaper and your proposed bill. I support your bill and you in making people aware of its benefits...."

Here's the key: We have to get the right information to people so that people can make up their minds about whether they want to be organ donors or not, but let's ensure that the media understand the issue. So there's a challenge for the Trillium Gift of Life Network: Make sure that the media understands what this is all about and helps us get this message out.

In closing, I want to again commend the member for Brant for bringing this issue forward. As the education critic for the Progressive Conservative caucus, I want to assure the member that we will do everything to support the inclusion of this important curriculum into the broader curriculum of our province. It's the right thing to do.

**Ms. Shelley Martel (Nickel Belt):** I am pleased to participate in the debate. I want to welcome the guests who are in the gallery today, and I want to commend the member for Brant for bringing forward his bill today.

As has been said by other speakers so far, I do hope that the addition of information with respect to organ donation in the curriculum will work to make young

people understand the opportunity to give the gift of life. But frankly, I also hope that it works to give people an understanding of their responsibility to give the gift of life, because I think we should be pushing this envelope much farther than we have been. I say that because we do need more public education, but I don't think public education alone is going to change the culture we have in the province enough. The reality today is that we have a crisis in organ donation in Ontario. That's no one's fault. Many people are making incredible efforts to change that, but we stand at a point in time where we have a very, very serious problem. We can as a society address it head on by pushing the envelope, and that's what I'm in favour of, or we can hope that through more public education and some other changes people might remember to sign their donor card and might remember to give the gift of life.

Let me just reinforce the extent of the problem. Frank Markel, president and CEO of the Trillium Gift of Life Network, was quoted in the Sudbury Star this week, because there was a press conference with a particular group that is very supportive of organ donations. He was quoted as saying that there are 1,758 people on transplant waiting lists in the province right now and that one person on a wait list, on average, is dying every three days. And this is key for me.

I say with the greatest of respect and the greatest of consideration to families who are affected by having their loved ones die every day in Ontario that many people pass away after a full life when they have been given palliative care, if they are in a long-term-care home, as has happened to my grandmother just recently. They pass away, tragically, from cancer, from heart attacks, from any number of fatal diseases and conditions. They pass away, very tragically, at a young age perhaps because they are victims of boating accidents or car accidents. In so many of those cases, there's nothing that modern medicine could have done to save those individuals and there's nothing that the medical profession could have done to save those individuals. But dying on a waiting list, waiting for an organ donation, is something altogether different for me. For me it is such an incredible waste—an incredible waste—because there is no need for anyone in Ontario to die on a wait list, waiting for a liver transplant, waiting for a kidney transplant.

We live in a province that has 12 million people, and in 2005 there were only 169 individual donors who gave the gift of life, those people who were willing and did have their organs donated after their death. While that statistic, that figure, is up 19% from last year and while, of those 169 individual donors, there were actually 750 transplant operations that occurred, 1,758 Ontarians are still on a waiting list, and every week three of those are going to die. It's not good enough when we have those kinds of people on a waiting list. It's not good enough when we know that a potential donor can donate up to eight organs for transplant in addition to donating tissue like eyes and bones and skin. It is not good enough that all we seem to be doing is trying to promote more public



education, as important as that is. We need a dramatic change in this province in how we deal with organ donations.

I said at the start that it's not as if people aren't trying very hard. I want to just reference the Trillium Gift of Life for a moment because I know that the organization has done a number of things to try to increase donations. I just want to put this on the record and congratulate the organization for the work that is being done.

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Firstly, the Trillium Gift of Life is working to increase hospital-based organ and tissue programs. We have 20 organ and tissue donation coordinators in major trauma centres and neurosurgery hospitals and community hospitals. Those coordinators are responsible to try to increase awareness of the need for tissue and organ retrieval in hospitals. They're responsible to try to develop a culture which considers organ donation a standard part of life-end care. They're trying to provide training to health care workers. They're helping to develop organ and tissue donation committees in hospitals and, most important, they're responsible for approaching families who are grieving when their loved ones have died in hospital to ask them to consider organ donation.

There's a really good article, for those of you who haven't had a chance to read it. It was printed in the *National Post* on April 22. It's an article that highlighted the personal story of Denis Dubé, whose wife suffered a massive cerebral hemorrhage and was on a ventilator with her heart still beating but with no brain functions at all. The Gift of Life coordinator, in that case Nancy Glover, worked with Mr. Dubé to fulfill the wishes of his wife to donate her organs, and as a result of that donation, three lives of critically ill people were saved and two people had their eyesight restored. Those of you who haven't read it should read it and see the important work that is being done by these coordinators.

Secondly, the Trillium Gift of Life is participating in what is described as the organ donation breakthrough collaborative. That collaborative encourages organ procurement organizations to share and adapt best practices and promote rapid integration of these practices. The Trillium Gift of Life Network has established pilot projects as part of this collaborative with three hospitals in the greater Toronto area: St. Mike's, University Health Network at the Toronto Western Hospital and Sunnybrook and Women's College Health Sciences Centre. The pilot sites established real-time health record reviews to identify their performance and set realistic targets that will reflect true potentially eligible-for-donor deaths.

The third thing that has been done, and this involved both the Ministry of Health and the Trillium Gift of Life organization, was a change in legislation, the Trillium Gift of Life Network Act, to ensure that major hospitals have to report every death to the Trillium Gift of Life Network. Now 13 major hospitals are reporting every death, and that began in January 2006. Those notification and consent provisions in the Trillium Gift of Life act were patterned after legislation in both British Columbia

and Manitoba, where it is mandatory for hospitals to notify that deaths have occurred. That notification, of course, is designed to determine if the potential for organ donation exists and to ensure that an opportunity is granted to the affected families to be approached to consider that option of donation.

The fourth thing that the network is doing involves educational programs and materials with respect to organ donation. A couple of examples: TGLN donation coordinators delivered hospital-based education programs in emergency and intensive care units this year, focusing on those hospitals deemed to have the highest donation potential. TGLN held its first provincial professional forum to discuss organ and tissue donation legislation and new Canadian guidelines for neurological determination of death. Regional meetings were linked by satellite to enable 50 specialist physicians, along with related health care professionals and TGLN staff, to hear from a panel of medical, legal and ministry experts. The donation resource manual, a primary guide to guide health care professionals through the organ and tissue donation process, was completed and distributed, and finally the Donor Family Advisory Council also developed the family aftercare support program. That includes a family bill of rights and materials to assist potential donor families in understanding their options, how to make decisions, as well as listings of the community resources available to them after they leave the hospital. Donor family recognition programs previously in place in Toronto were expanded to other parts of the province.

So there are a number of things going on. I commend all those efforts, but the fact remains that Ontario has much more to do and needs to do much more with respect to its organ donation rates. If you look at those donation rates as defined as donations per million population, Ontario's rate is 12.4 persons per million population. That is well below the national deceased donor rate of 13.1 per million; it's far below the province which performs the best in this regard, and that is Quebec, where their donor rate is 18 per million.

Again, 1,758 patients in Ontario are on transplant waiting lists, the vast majority needing kidneys and livers, and one person on that waitlist dies, on average, every three days.

What do I think really needs to be done? Well, Speaker, it's going to be no surprise to you and to other members of the House that I am a huge proponent of Bill 61, the Trillium Gift of Life Network Amendment Act, which has been put forward by my colleague Mr. Kormos, who's the MPP for Niagara Centre. This is the second time that he has put this bill forward. The first time was in December 2004. At that time the bill was Bill 156. When Mr. Kormos introduced the bill the first time, he said the bill was inspired by George Marcello, who is a well-known advocate for organ donation, and that the need for such a bill was reinforced by Kristopher Knowles, a young man who is in need of an organ donation, who walked across Canada in the spring of 2005 to raise public awareness of donations.



I just want to read to you the explanatory note from Mr. Kormos's bill. It states as follows:

"The purpose of the bill is to ensure that upon the death of a person, tissue from the person's body may be removed and made available for transplant into another person's body and that this may be done without the consent of the person from whom the tissue is removed. Currently, the act requires that consent be obtained before tissue can be removed from a human body. Under the proposed amendments, consent is no longer required, but a person may object to the removal of the tissue prior to his or her death or a substitute may object on his or her behalf after the death has occurred. If an objection is made, no tissue shall be removed from the body. Part II of the act sets out the manner and circumstances in which an objection may be made by or on behalf of a person.

"The Trillium Gift of Life Network continues in its role as planner, promoter and coordinator of activities relating to the donation, removal and use of tissue for transplant and for other uses. Obligations are placed on hospitals, nursing homes and other facilities designated under the act to notify the network when a patient dies or if death is imminent. The network coordinates the provision of information to the patient or his or her family with respect to the removal of tissue and the person's right to object. A person or the person's substitute may register with the network an objection to the removal and use of tissue from the person's body after his or her death. The network shall establish and maintain a registry of such objections."

It is true that Bill 61 would dramatically change the current regime regarding organ donations, because right now a donor card needs to be signed or the family needs to consent to the donation at the time of death, and under Bill 61 the onus is on the individual to object to the donation or the removal of tissue, and this objection needs to be maintained in a registry that will be maintained by the network. If there is no objection registered, then the tissue or organ may be removed and it can be used.

Why do I support this bill? The reality is that too many people forget to sign their donor cards. They have a good intention but they forget to do it. Too many people tell their family about their wishes, but their family at the time of death disregards those wishes. And too many people don't tell their family what their wishes are, so there is great stress and great anxiety at the time of death about what to do. From my perspective, this make no sense to me. Here are my cards. I signed my donor card when I got my licence when I was 16. That was a long time ago, and I have had a card signed since then. I've had my father sign my consent under the consent that was put out by the Ministry of Health in 2004, and the member for Kenora-Rainy River just recently signed my gift of donor card on April 7 as a witness, so he's very clear about what my wishes are. But from my perspective, I never thought twice about why I should donate—never thought twice. It seems to me, from my perspective, that my organs are no good to me when I am dead, but they could give someone else life. They could give

someone else the gift of sight. Why should I deny someone that opportunity when I'm dead? Frankly, I shouldn't. It seems to me, from my personal perspective, to be very selfish to do so. So I am a firm, firm advocate that the donation process in the province needs to change, that the culture in the province needs to change so that giving the gift of life becomes a normal end-of-life experience, period.

In closing, while I appreciate the bill that has been put forward by the member from Brant and will support it and I appreciate the other bills that have been put forward, I really think we need to have a very serious discussion in this province, because there is a crisis in organ donation, and no one—no one—in the province should die on a waiting list waiting for a new liver or a new kidney. I think the best way for us to deal with that would be to move forward with the proposal put forward by Mr. Kormos. I hope we have an opportunity for all these bills to be discussed in committee, to come forward with a bill that I hope will be his in terms of leadership with respect to what we do next.

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**Mr. Bob Delaney (Mississauga West):** In December 1967, people worldwide became aware for the first time of organ donation with a very dramatic move in South Africa when Dr. Christiaan Barnard transplanted the heart of the world's first heart donor, a young woman named Denise Ann Darval, into the body of a middle-aged construction worker named Louis Washkansky. Mr. Washkansky lived only a very short time, but the world changed at that point because people then understood that organs could be transplanted and that a man whose life should have ended would therefore be able to live.

We're here to debate Bill 33, and Bill 33 about organ donation comes with two facets. There are two facets in making the public good come about: doing the right thing and doing things right. As professional managers know, these are two separate things. Doing the right thing is about allowing your organs to be harvested for transplant purposes in the event of your death. Doing things right is the tactical way of achieving that strategic objective of doing the right thing. Doing things right means finding every available channel into the hearts and minds of Ontarians of every age, and making a change in that mind or setting that mind while it still lives and while that mind still draws breath.

It may take many types of initiatives to cause a change to take place collectively in the minds of Ontarians, but Bill 33 isn't intended to be the be-all, the end-all and the catch-all of raising awareness of organ donation, but it is a solid step, a good step, and it deserves to be passed.

Bill 33 specifically is a channel into the minds of young people whose values and principles are not yet hardened by family, faith, tradition, customs, prejudice, misinformation or fear. Bill 33's principle is really very simple. It says that in an environment such as a school, in which young people come to learn, this gift of life and its value will be taught. It does not require that students agree to donate their organs, but it does say that a student



will be exposed to impartial information and that a student is going to have a chance to talk about the concept of organ donation without a worry of being influenced by one's parents' preconceptions, one's church's teachings or any other culture or value that may preclude an honest, objective look at the concept of organ donation.

We've done this before. We did this with recycling. Recycling basically meant putting the garbage out at the curb and forgetting about it because then it was somebody else's problem, but as a people we learned that recycling makes a difference; we learned what difference all that garbage meant to us. This approach also worked in smoking. We taught in schools: Smoking isn't good for you, smoking kills you. This approach has also proved effective in promoting a healthy lifestyle. But more to the point, one of the advantages of implementing Bill 33 and looking down the road when Bill 33 is part of the curriculum is that this is also a channel into the minds of family, parents and friends. This is what allows mainstream thought to evolve forward.

This is the sort of initiative that would allow the concept of organ donation to then become part of mainstream thinking—just like fastening your seatbelt. As I grew up when cars in general didn't have seat belts, you didn't think about it, but we learned it in school. We learned about a healthy lifestyle in school. We learned not to smoke in school. We learned about the benefits of recycling in school, and it became part of the way we thought. It became part of our fabric and so it should be with organ donation.

I agree with one statement that the member for Nickel Belt made. She said, "The culture in the province needs to change." This is a bill that promotes a means of changing that culture. It promotes doing the right thing but it allows a means of doing things right, and that's why I'm going to support it.

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** I'm pleased to rise today in support of my colleague from Brant's introduction of Bill 33, an education amendment act. It amends the Education Act by permitting the minister to establish the organ donation education policy framework in order to require the boards to include the education on the importance of organ donation in the curriculum of students in the senior division so that every student, subject of course to certain exceptions, receiving their Ontario secondary school diploma will have learned about the importance of organ donation.

This is the third bill, since I've been here anyway, that has been introduced on organ donation. It highlights—

*Interjection.*

**Ms. Scott:** The fourth? I'm sorry; he corrected me. It's the fourth bill introduced by all parties and it highlights the need for more awareness around organ donation. The member from Nickel Belt has mentioned the number of people who are on wait lists.

It's important to educate young people. You know, we've evolved. I've nursed for 20 years, and when I nursed at Toronto General Hospital, one of the areas

where I worked was surgical intensive care. They were doing lung and liver transplants there. It is important to educate the families. When you can start earlier, it's probably better, because at a time of crisis when your loved one is being considered for organ donation, you're in a very traumatic situation. People didn't have the background to deal with it at that time. When the member introduced his bill here today, I think that's what he was getting to the heart of: The more people know who about organ donation, the better.

My colleague from Oak Ridges, Frank Klees, introduced his Bill 67 earlier in this session to make people, on their driver's licence or upon renewing their provincial health card, make a decision, to give them an option about organ donation. That's part of what we're trying to say here today and part of what this bill is about. We have a lot of people dying on wait lists for organ donations and we're not doing enough on the other side to educate people on how they can help. There were stories told today about family members who had phoned in to talk shows to say that their loved one had passed on but that their organ helped to save someone else's life. I think that's really at the heart of this bill.

Things have evolved in science and medicine. Success rates are incredible, with kidney at 82% to 92%, heart at 83%, liver transplants at 77%, single lung at 58%, double lung at 72% and heart-lung combinations at 72%. That's critical to hear and will change people's minds. I support this bill.

**Mr. Khalil Ramal (London–Fanshawe):** First, I want to thank and commend the member from Brant for bringing such an important issue. I know that in the past some related bills have been introduced in this House by the member from Oak Ridges, Frank Klees; the member from Niagara Centre, Mr. Kormos; and the member from Glengarry–Prescott–Russell, Jean-Marc Lalonde. Each one brought a different perspective but today we're discussing and debating a different and unique perspective.

The member for Brant, as a former educator in this province, knows the value of education. He knows how important it is to educate our youth, our students, and how important it is to include such education in the curriculum of this province. We cannot do anything without education. He mentioned many different important elements, but the most important one was that by including it in the education system, we are able to make some kind of change to the cultural pattern around this issue.

I've been listening to many different members of this House when they were talking about this important subject, which hopefully all the members will support in the end. Hopefully we'll see some kind of solution to it, because we allow too many people across the province of Ontario to die, not having found an organ to be donated to them. It will give them some kind of gift of life again, to be living among their family, with their wife or husband, their children, their neighbours and their communities.



1150

I was accidentally visiting the hospital of Western university last week and I met a person I've known for a long time. He was in a wheelchair. He was smiling with his wife. I asked him, "Why are you here?" He told me, "I had a heart transplant. I wanted to thank the person who gave me his heart before he died. He gave me the gift of life, to be able to sit in this place, to be able to smile, to be able to be with my wife and my kids and my community." So it's very important. When we don't have the chance to use our organs again, why wouldn't we give them to a person who needs them badly? This initiative by my colleague from Brant means a lot to many different people.

I was talking to John Wilson at my local radio this morning, AM 980. He was listening to us. He was listening to this debate. He was listening to all members in the House and he was happy to see a lot of members engaged in the debate. He was happy to see all the people in this place thinking about and valuing the importance of creating a culture of organ donation: to donate an organ that we don't use, that we won't be able to use in the future, to a person who can use it to be able to live in happiness among his family and his community.

I again want to commend the member from Brant for his passion about this issue, the other members who spoke in support and other members who brought similar bills to this House. I hope to see many people across Ontario sign to donate their organs when they cannot use them again, to give a chance to many people who are waiting patiently, before they die, to get some benefit from organs that others don't need. I hope in the future we'll see many people sign a card, like my colleague from Brant, which permits the hospital to use their organs after they die.

I think it's our duty as elected officials to play a role, create awareness and in whatever way possible encourage and help many people to donate the gift of life to many who are waiting patiently to see if someone will donate an organ to them and give them a chance to continue their life with happiness.

That's why I'm speaking in support of this bill, and I hope that in the end all members of the House will support it so we can see some kind of benefit to all of us.

**Mr. Ernie Parsons (Prince Edward-Hastings):** This is a very difficult issue to deal with emotionally. I'm not an expert on it but I would like to share some very personal thoughts.

We never discussed the concept of organ donorship with our children. Why should we? We're not going to outlive them. This is not something we needed to be involved in. And we were wrong. When our son died suddenly two years ago, we were never asked about whether we'd like to donate, and quite frankly we couldn't have made a decision at that time. We still struggle to get our heads around the fact that he's gone. At that particular instant we would have been absolutely incapable of responding, had a request come or had he filled out a card and the doctors had asked us to do it. We

would have made an emotional rather than a logical decision. Our son died from what was preventable. We struggle with that concept, and then we read or we become aware of other people who die from what is preventable. The lack of a donor organ is preventable for individuals.

There has to be something good come out of something bad. I believe that's our challenge as humans: to make that happen. But in the case of organ donors, it has to be a result of some planning ahead; and there was no discussion within our family about it. So I applaud the member's bill that will result, if passed, in discussion taking place in school. In hindsight, we would like to have seen some of our son's organs donated. But I also believe strongly that it would have had to have been his decision. He didn't have the opportunity to make that decision because it was never brought to his attention, and we took it for granted. Everyone believes that it's not going to happen to them. It's kind of like making wills: There's sometime a fear that "If I fill out that card, then I'll die." I know of people for whom, if they fill out a will, it will be a bad omen. It isn't.

I strongly believe our son Sandy would have had to make that call. We were negligent in not raising the issue; and we as a society have taken things for granted on that. So I recognize all too well now that the decision can't be made at the time of the loss. It has to be a decision, and it has to be an informed decision, because at the time of death the individual's body seems almost sacred and the thought at that instant of taking something out is just something that you cannot deal with. You cannot get your mind into it. But then, for the rest of the time, I think—and I think about it almost daily—of how great it would have been if other people could be enjoying life and enjoying families because of donations that were made. And our son would have wanted it; I'm absolutely convinced. He was a great kid who loved to help people, and for him this would have been the ultimate help.

I believe this private member's bill will literally save lives, and for those who hesitate, I can tell you, as someone who's walked in the shoes of having lost a child, it would have made us feel great too to see others benefit from it. I have no doubt in my mind that the Legislature is going to support this bill today. What a wonderful opportunity we have collectively to literally save lives and to make life better, not just for those who are recipients but for the loved ones of the donor to know that they've helped to prevent a death and they have helped to produce a quality of life for others that is absolutely priceless.

**The Deputy Speaker:** Mr. Levac, you have up to two minutes to respond.

**Mr. Levac:** First I want to do a quick correction. I identified Peter Casey as Paul Casey. So, Peter, visiting us here in the gallery, accept my apologies. Again, my reinforced thanks to those who have come from the Trillium Gift of Life Network, individuals who are working hard to educate us. Thank you for being here. I

wanted to add my thank you to Adam McDonald, my legislative assistant, who has been doing a yeoman's job in making sure that we're prepared for today and up to this and the aftermath afterwards. So thank you, Adam.

I want to thank the members from Oak Ridges, Nickel Belt, Haliburton–Victoria–Brock, London–Fanshawe, Prince Edward–Hastings and Mississauga West for their very kind comments and also for their contributions to the debate, which will go on and which will be continued and which will be, in my opinion, making us a better province and a better people.

One of the things that I wanted to touch on very quickly is that something has happened. I think the member from Nickel Belt mentioned it, and that is that there was an enactment, an enabling piece of the Trillium network act that the minister did, and it actually tripled donations in A hospitals. In other words, one of the other pieces of legislation that already exists has already moved it forward. I want to thank her for mentioning that as well. And I accept the challenge that we have to enter into the debate to get this right. So when we come up with a hybrid bill and as we piece this together, we will change a culture and, once and for all, I believe, put us in the forefront. We're in the forefront in terms of the science behind organ donation, by the way. So to those wonderful people who use those gifts of their hearts, their hands, their minds, to better us as a people, to make us even more effective as human beings, I want to thank you for that.

There's an awful lot of things—I want to take up the challenge that the member for Oak Ridges talked about, and that is engaging the media, making sure that we get it right. But also, why not challenge them to do a weekly feature and tell the story that we hear—the sad, the good—let's do that once a week. What about a national program to bring attention to this? I think we've got a long way to go, but I hope that we can all remember to sign our donor cards and talk to our families and move this forward. Thank you very much.

**The Deputy Speaker:** The time for private members' public business has expired.

#### EASTERN ONTARIO

**The Deputy Speaker (Mr. Bruce Crozier):** We will deal first with ballot item number 31, standing in the name of Mr. Runciman. Mr. Runciman has moved private member's notice of motion number 11. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

We will have a recorded vote on this.

#### EDUCATION AMENDMENT ACT (ORGAN DONATION EDUCATION), 2006

#### LOI DE 2006 MODIFIANT LA LOI SUR L'ÉDUCATION (ÉDUCATION SUR LE DON D'ORGANES)

**The Deputy Speaker (Mr. Bruce Crozier):** We will now deal with ballot item number 32, standing in the name of Mr. Levac. Mr. Levac has moved second reading of Bill 33. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

We will have a recorded vote on this as well.

Call in the members. This will be a five-minute bell.

*The division bells rang from 1201 to 1206.*

#### EASTERN ONTARIO

**The Deputy Speaker (Mr. Bruce Crozier):** Mr. Runciman has moved private member's resolution number 11. All those in favour, please stand and be recognized by the Clerk.

#### Ayes

Berardinetti, Lorenzo  
Bradley, James J.  
Brownell, Jim  
Craitor, Kim  
Dombrowsky, Leona  
Elliott, Christine  
Fonseca, Peter  
Hardeman, Ernie  
Hoy, Pat  
Hudak, Tim  
Klees, Frank  
Kormos, Peter  
Lalonde, Jean-Marc

Leal, Jeff  
Levac, Dave  
MacLeod, Lisa  
Martel, Shelley  
Matthews, Deborah  
McMeekin, Ted  
McNeely, Phil  
Meilleur, Madeleine  
Mitchell, Carol  
Munro, Julia  
O'Toole, John  
Oraziotti, David  
Parsons, Ernie

Patten, Richard  
Peters, Steve  
Phillips, Gerry  
Prue, Michael  
Ramal, Khalil  
Rinaldi, Lou  
Runciman, Robert W.  
Ruprecht, Tony  
Scott, Laurie  
Smitherman, George  
Van Bommel, Maria  
Wynne, Kathleen O.

**The Deputy Speaker:** All those opposed, please stand and be recognized by the Clerk.

**The Deputy Clerk (Ms. Deborah Deller):** The ayes are 38; the nays are zero.

**The Deputy Speaker:** I declare the motion carried.

The doors will now be open for 30 seconds before the next vote.

#### EDUCATION AMENDMENT ACT (ORGAN DONATION EDUCATION), 2006

#### LOI DE 2006 MODIFIANT LA LOI SUR L'ÉDUCATION (ÉDUCATION SUR LE DON D'ORGANES)

**The Deputy Speaker (Mr. Bruce Crozier):** Mr. Levac has moved second reading of Bill 33. All those in favour, please stand and be recognized by the Clerk.

#### Ayes

Berardinetti, Lorenzo  
Bradley, James J.  
Brownell, Jim

Leal, Jeff  
Levac, Dave  
MacLeod, Lisa

Parsons, Ernie  
Patten, Richard  
Peters, Steve



Craitor, Kim  
Dombrowsky, Leona  
Elliott, Christine  
Fonseca, Peter  
Hardeman, Ernie  
Hoy, Pat  
Hudak, Tim  
Klees, Frank  
Kormos, Peter  
Lalonde, Jean-Marc

Martel, Shelley  
Matthews, Deborah  
McMeekin, Ted  
McNeely, Phil  
Meilleur, Madeleine  
Mitchell, Carol  
Munro, Julia  
O'Toole, John  
Oraziotti, David  
Ouellette, Jerry J.

Phillips, Gerry  
Prue, Michael  
Ramal, Khalil  
Rinaldi, Lou  
Runciman, Robert W.  
Ruprecht, Tony  
Scott, Laurie  
Smitherman, George  
Van Bommel, Maria  
Wynne, Kathleen O.

**The Deputy Speaker:** All those opposed, please stand and be recognized by the Clerk.

**The Deputy Clerk (Ms. Deborah Deller):** The ayes are 39; the nays are zero.

**The Deputy Speaker:** I declare the motion carried.

**Mr. Dave Levac (Brant):** I request that this bill be sent to the standing committee on regulations and private bills.

**The Deputy Speaker:** Shall the bill be sent to the standing committee on regulations and private bills? Agreed.

All matters relating to private members' public business now having been completed, I do leave the chair and the House will resume at 1:30 of the clock.

*The House recessed from 1212 to 1330.*

#### WEARING OF RIBBONS

**Hon. Steve Peters (Minister of Labour):** Mr. Speaker, on a point of order: I seek consent of the House to wear the yellow and black ribbon in honour of a day of mourning to recognize those killed and injured on the job.

**The Speaker (Hon. Michael A. Brown):** Mr. Peters has asked for unanimous consent to wear the yellow and black ribbon. Agreed? Agreed.

#### MEMBERS' STATEMENTS

##### WATER AND SEWER INFRASTRUCTURE

**Ms. Laurie Scott (Haliburton-Victoria-Brock):** I rise today to draw attention to the lack of action by the McGuinty government to address the massive water infrastructure deficit we have in this province. Over the last couple of months, we've experienced two major water main breaks that are causing undue hardship and destruction to the community and businesses in the Toronto area. One is at the intersection of Jane Street and Highway 7, which happened in February and is still under repair.

More recently, there has been a break near the intersection of Bathurst Street and Sheppard Avenue West, which will probably take months to repair. Municipal officials have blamed this recent water main break on aging infrastructure. The general manager of Toronto Water, Lou Di Gironimo, said the broken main is about 50 years old. We know that some municipal water systems are using pipes that have been around in some cases for 100 years.

The McGuinty government has done nothing to address this problem. The previous Progressive Conservative government laid the groundwork to address the water infrastructure deficit through the passage of Bill 175, the Sustainable Water and Sewage Systems Act. The government has not moved to implement regulations. It's been nine months since the release of the Ontario water strategy expert panel, and at that time, the Minister of Public Infrastructure Renewal said, "This is an important priority for our government," and in the more recent budget, "The government also recognizes the need to ensure the long-term economic sustainability of the province's municipal water and wastewater systems.... The government is carefully reviewing the expert panel's recommendations and will be responding in the coming months."

Stop delaying. Take action now.

##### THORNCLIFFE NEIGHBOURHOOD YOUTH CENTRE

**Ms. Kathleen O. Wynne (Don Valley West):** I rise in the House today to recognize and celebrate the opening of the Thorncliffe Neighbourhood Youth Centre in Don Valley West.

*Applause.*

**Ms. Wynne:** Hear, hear.

This project developed out of a needs assessment conducted in 2003, which found to no one's surprise that there was a lack of programs and support services for youth in the Thorncliffe area. The community willingly took on the challenge to fill this void, and after years of hard work and leadership from such people as Jihad Aliweiwi, who's the E.D. of the Thorncliffe Neighbourhood Office, Nesan Bandali, Nisha Nagartnam and Azam Naroon-Hassim, the centre was opened this past Monday, April 24.

The centre has been created to serve as a hub of this community. Located beside the Ontario Early Years Centre, the community is now able to provide a seamless support network for children through their teenage years. The youth centre will be coordinated by youth for youth and will provide recreation and extracurricular activities, employment opportunities, as well as leadership and mentorship initiatives. This centre was made possible through the financial support from various organizations, including the Ontario Trillium Foundation, East York Town Centre, the United Way, and from our government through the Ministry of Citizenship and Immigration.

Thorncliffe is a diverse and vibrant community. Residents from over 200 countries, speaking over 70 languages, live in the neighbourhood. It really is a microcosm of the world and a brilliant experiment in pluralism. I'm joining with enthusiasm the committed crowd at Thorncliffe Neighbourhood Office and the community once again to celebrate the launch of the Thorncliffe Neighbourhood Youth Centre, and making this endeavour a model for Don Valley West and for the city of Toronto.



## NORTHERN ONTARIO

**Mr. Garfield Dunlop (Simcoe North):** We come here every day waiting for the government to wake up and respond to the needs of Ontarians and to northerners. It is approaching three years and still we have no plan to deal with the challenges facing our province, and in particular the needs of the north. The only plan we have seen is that you have increased hydro rates at a dramatic rate.

It is more expensive to live in northern communities. Everything costs more, and the government continues to find ways to add to the financial burden faced by northern Ontario families and businesses.

There is no plan to seriously address the infrastructure deficit in the north. Last summer, Liberals announced their ReNew Ontario program, but it is no more than hollow words. There will be no actual spending until 2007.

Northern communities have aging systems that need replacement. People across northern Ontario have been on boil-water advisories, sometimes for years. Infrastructure is vital to building a successful economy in northern Ontario, and this government has not been providing the leadership they should. Your government has sat idly by while the problems in the forestry industry have gotten worse. You've sat idly by while mills have closed and jobs have been lost. You have sat idly by watching, doing nothing, while people have been forced to leave their communities because there are not enough jobs.

## BENEFIT CONCERT

**Mr. Michael Prue (Beaches—East York):** I rise today to inform everyone about the Canadian Concert and Recital Artists' annual benefit concert, which they have been holding in the Beach since 1990.

*Interjection.*

**Mr. Prue:** In the Beach, yes.

They bring together classically trained artists from around Canada. This year they are holding their fundraiser on May 6, which is a Saturday night, at 7:30 p.m. at St. John's Norway Church at the corner of Kingston Road and Woodbine. The importance of this annual event is that they raise funds, and for the 16th straight year the funds will go to Médecins Sans Frontières, or as people might better know it, Doctors Without Borders. This is a group that won the Nobel Prize for Peace in 1999.

Doctors Without Borders uses this money as part of their international organization. They are an impartial group in the name of medical ethics and humanitarian assistance. They speak out on the plight of those who are in danger and they alleviate the suffering of many peoples around the world. They protect life, and promote health and human rights.

The people in the Beach join with the Canadian Concert and Recital Artists. We ask you all to come and attend. The monies will go to an absolutely great cause and will promote Canadian talent of the highest calibre.

## VIETNAMESE CANADIAN COMMUNITY

**Mr. Richard Patten (Ottawa Centre):** I'd like to share with the Legislature today two deserving people from my riding of Ottawa Centre, two outstanding community leaders: the former mayor of the city of Ottawa and member of Parliament, Marion Dewar, and the Vietnamese boat people organizer, Dr. Can Le.

As most of us would know, more than 25 years ago, as desperate Vietnamese citizens were clinging to tiny craft in the South China Sea, believing their chances for life were better with the fierce elements of nature than with their Communist government at the time, these two individuals stepped forward to lead Canadian communities in saving people from certain continued confinement.

At the same time, they showed all of us that the nobler elements of our humanity could triumph. They launched Project 4000 in Ottawa, placing many destitute boat people into private citizens' homes. Soon numerous centres across North America followed suit, and today there are thriving Vietnamese Canadian communities all across the country.

The Howard Adelman Award could not have a more deserving recipient—in fact, two. In true form, these two gracious and generous people, even in their moment of tribute, immediately donated their \$1,000 award money to a new project to build an international-quality Vietnamese boat people museum in Ottawa, which Dr. Can Le is spearheading. This particular award, named after Professor Adelman from Toronto, was started actually by the Thời Báo community fund, which is the largest Vietnamese newspaper throughout Canada, and is distributed throughout Canada.

I'm happy to share this particular commendation with my colleagues in the Legislature today.

## NORTHERN ONTARIO

**Mr. Jerry J. Ouellette (Oshawa):** We are coming up on three years now. This government has broken their pledge to northerners to improve the quality of life in the north. They have sat idly by while job losses have mounted and mills have closed, threatening the very lifeblood of northern communities. Hydro rate increases are just another on the continuing list of increased costs being passed along to residents, many of whom can ill afford it. Despite their promises to fix water quality, reserves and communities across northern Ontario have to contend regularly with boil-water advisories.

The report just released by the Ontario Health Quality Council says that patients in need should get appropriate care in the most appropriate settings. This is still not happening. The report notes that Ontarians who live in isolated rural and northern communities face expensive travel for care. Often they, and families who accompany them, lose income by missing work as well. It also shows that people living in the northeast have the second-highest percentage of in-hospital mortality within 30 days of a stroke.



This is not a government that has been helping northern communities. This is a government that engages in window dressing when it should be looking at concrete action. In the 2005 budget they said they were working on ways to strengthen the forestry sector, but we all know what has happened to the forestry industry in northern Ontario over the last year: shutdowns, job losses and devastation to entire communities.

Ignoring problems until it's too late—that's your government's sorry legacy to northern Ontario.

1340

### ORGAN DONATION

**Mr. Dave Levac (Brant):** This is organ donation week; thus the green ribbon that we approved earlier in the week. We take this time to remember that we can all help save a stranger by donating our organs. It is, sadly, something that not enough of us do.

Earlier this morning, we debated and passed, thankfully, second reading of Bill 33, my private member's bill, which would allow a change in curriculum so that all Ontario high school students would receive education about organ donation.

We all know how important organ donation is. Again, sadly, every three days someone dies waiting for a transplant. The waiting list is longer than the number of transplants performed. The fact is, not enough people donate organs. Signing up to become an organ donor just takes a second, yet this simple act can be the difference between life and death of another person. Anyone can become a donor by signing their card and carrying it with them. Sign the card and talk to your family about your wishes. It's an important thing to do. I believe we should make every effort to educate people about the importance of organ donation and, more importantly, ensure that more people actually donate their organs.

Members of all three parties have bills to help support more organ donation in this province, and I applaud everyone in this House. This is a pressing issue that requires action from all of us. Let's all work together to give the gift of life.

### EARTH WEEK

**Mrs. Carol Mitchell (Huron-Bruce):** I rise today to speak about some Earth Week activities that I had the opportunity to participate in this week. I had the chance to go to Brant Township Central School in Walkerton to help students plant a tree in their schoolyard. Later in the day, I met the Minister of the Environment to present a cheque to the Saugeen River conservation authority which will help them fund their scientific studies on drinking water. We also met with the board of directors from the Walkerton Clean Water Centre to discuss their current initiatives and future plans.

Keeping our water clean is important to rural Ontario. The proposed Clean Water Act will help conservation authorities and municipalities work together with the

province to achieve this goal. By supporting the protection of our drinking water, we are helping to protect the health of Ontarian families. The Walkerton water tragedy is a constant reminder of what can happen when water is not protected. I'm very proud to be part of a government that understands this.

I also want to add my congratulations to Brant Township Central School, which, as part of their Earth Week activities, planted 400 seedlings as well in a park and also cleaned up a number of areas where litter had accumulated throughout the winter. So congratulations. It's certainly young people who are coming forward and improving our environment.

### PROJECTS IN CORNWALL

**Mr. Jim Brownell (Stormont-Dundas-Charlottenburgh):** A recent headline from the website of the Jewel, a radio station in my riding of Stormont-Dundas-Charlottenburgh, read, "The Winds of Change are Blowing in Cornwall." An article from the Standard Freeholder newspaper similarly read, "Summer of Change Ahead."

These changes referred to are a slew of projects soon to be under way in downtown Cornwall. The people of this city will soon see construction equipment in the heart of the city, one of the signs of a thriving community. This construction is in addition to the new condominiums going up along Water Street in the city; it is in addition to the repairs to the roads that we will soon be seeing, thanks to the Move Ontario funding this government is providing; it is in addition to the new hospital projects being built over the next three years, with one currently under way. There is also the courthouse project, the water and waste water projects—the list goes on.

The city of Cornwall has a bright future, and that future is taking shape right now. It is an exciting time for Cornwallites and for all the citizens of my vast rural riding. I invite all members to come and witness the rebirth of this, one of Ontario's oldest communities. I particularly invite the Leader of the Opposition to come and stand in that place and see first-hand the first fruits of this government's plan for Cornwall and eastern Ontario.

There is a very bright future in the city of Cornwall and in the riding of Stormont-Dundas-Charlottenburgh. I'm be proud to be there leading the charge.

### INTRODUCTION OF BILLS

#### CITY OF LONDON ACT, 2006

Mr. Ramal moved first reading of the following bill:  
Bill Pr24, An Act respecting the City of London.

**The Speaker (Hon. Michael A. Brown):** Is it the pleasure of the House the motion carry? Carried.

Pursuant to standing order 84, this bill stands referred to the standing committee on regulations and private bills.



## STATEMENTS BY THE MINISTRY AND RESPONSES

### ORGAN DONATION

**Hon. George Smitherman (Minister of Health and Long-Term Care):** Yesterday a symposium took place here in downtown Toronto dealing with an issue of great importance. This symposium, co-sponsored by the Trillium Gift of Life Network and the University Health Network, was on the subject of organ donations in Ontario.

As all members of this House will know, the issue is literally one of life and death for thousands of Ontarians. It's clear that we, as a society, have not been responding to this situation as well as we should. This symposium provided an opportunity for some of the most knowledgeable and innovative experts on the subject to gather, to share information, to develop strategies, and to draw attention to this issue.

I had an opportunity to address those participating in this event yesterday evening. I used that occasion to share with them a new element of our government's strategy with respect to organ and tissue donations. I would like to use my remarks here today to share that same information with members of this assembly.

In light of the importance of this issue, it is our intention to create an Eminent Citizens Commission to develop recommendations for a made-in-Ontario organ donation/end of life strategy. The strategy developed by this commission would serve as the foundation of our policies and practices in this area. This commission would begin its work within the next several months and would likely take three to four months to complete its community consultations. This commission would consult broadly throughout all parts of Ontario, because this is an issue on which the public has strongly held views. There has to be a high degree of public engagement, and there will be.

This initiative would provide an opportunity to review the ideas behind the private members' bills currently before the House. It would also permit us to uncover other issues, ideas and considerations that might not be part of these bills.

I said a moment ago that this issue is one of great urgency. Let me share some startling numbers with the members present. The reality is that more than 1,800 Ontarians are waiting for life-saving transplants at this very moment. While the waiting list for organs has more than doubled over the past 10 years, the number of donors has remained relatively low. Every three days someone on the waiting list for a donation dies.

Our government has been working to rectify this situation. One step we've taken is the recent proclamation of the routine notification and request strategy, a strategy requiring Ontario's major hospitals to report all deaths to the Trillium Gift of Life Network, allowing Trillium to take the necessary steps to determine if a donation is possible. It has produced good results, but more must be done.

I look forward to announcing more details about this initiative in the coming weeks and I look forward to working together with all members of this House, and indeed with all Ontarians, to improve our province's system of organ and tissue donation and to provide those thousands of Ontarians on waiting lists with a new chance at life. So much depends on getting this right, and with the help of all members of this House, we will.

1350

### ELECTRICITY SUPPLY

**Hon. Donna H. Cansfield (Minister of Energy):** I'm pleased to bring to the attention of the House the official opening of the Glen Miller hydroelectric project. Located near Trenton, the project is a result of our first request for proposals for renewable energy projects. Like the wind farms which have opened in the past few months, this project will help Ontario meet the goal of providing, by 2007, at least 5% of our electricity capacity through renewable energy resources, including wind, biomass and small hydroelectric projects. That target increases to 10% by 2010. It is just one more step in our government's plan to ensure that Ontario has safe, clean, reliable generation for generations to come.

The Glen Miller project is actually one of the oldest hydroelectric sites on eastern Ontario's Trent-Severn waterway, but in its previous life the underutilized dam and powerhouse produced only two megawatts of power. The revitalized Glen Miller hydroelectric dam and power project will produce eight megawatts of clean, hydroelectric power. By refurbishing the dam and installing two new high-efficiency Ecobulb turbine generators, this run-of-the-river hydroelectric project will produce a long-term, reliable and secure source of electricity for the province. The Innergex Group contracted with Sunoco Canada to revitalize the Glen Miller facility.

Our government is building a new energy future that will keep the lights on and ensure that our children have cleaner air. This project, and the dozen others now operating or being built across this province, will allow us to create a stable supply of clean, renewable power. It is an important milestone towards our future, and it shows leadership.

Such projects represent only one part of our approach to renewable energy. We recently announced one of the most ambitious and forward-looking standard offer contract programs in North America, one that Dr. David Suzuki has said "will revolutionize the market for clean, renewable energy in North America and lay the groundwork for a healthier, brighter future."

We also now have in place a net metering regulation that helps consumers consider renewable energy right at home for their generation. Our approach to renewable energy is comprehensive, from large-scale projects to smaller community projects to steps that individual homeowners themselves can take.

But I know that renewable energy can only be one part of a forward-looking plan for Ontario's electricity sys-



tem. We are also putting an emphasis on conservation, because this government recognizes the important role that conservation plays in Ontario's supply mix. We are creating a culture of conservation through supporting innovative demand-management initiatives, through mandating increased efficiency for electrical appliances like air conditioners, and through providing the information, encouragement and tools that allow customers themselves to participate in a culture of conservation.

Programs like the conservation bureau's new Every Kilowatt Counts, a province-wide education and incentive program, will give Ontarians the tools they need to consider how to conserve energy this summer. The brochure is now reaching households right across this province, with energy-saving tips and a range of incentives designed to encourage Ontarians to switch to Energy Star-qualified lighting and cooling equipment, like \$25 off an Energy Star-qualified ceiling fan. Ontarians who take advantage of the coupon package can save up to 10% on their summertime electricity bills. The coupons are redeemable at over 1,600 stores in over 400 communities.

PowerWISE is another program, in which our province has partnered with Ontario's local electricity utilities. Ontarians are finally getting support to save money, to save energy and to help save the environment.

We're moving ahead too with smart metering, which will give consumers timely information on their electricity consumption instead of learning about their usage of electricity long after the fact, handicapped by old metering technology from the age of Edison.

The power that smart meters will measure will come from a wider range of sources and newer generating sources than what this province had been left by previous governments.

Since October 2003, Ontario has seen over 3,000 megawatts of new capacity come online, through new natural gas generation, through the timely and efficient refurbishment of nuclear plants and through renewable energy projects. In total, there is over 11,000 megawatts of capacity either now online or in the works, enough to meet the needs of over five million homes.

How have we achieved such results? We've taken leadership and we've taken action. We've made the decisions necessary to keep the lights on. We've ensured that consumers, both industrial and residential, can benefit from the province's past investment in generating facilities. We've taken steps to improve those public investments through initiatives like the Niagara tunnel, which will provide 1.6 terawatt hours of power a year, comparable to the capacity needed to power over 160,000 homes. We're also encouraging private investment by creating a stable electricity system and transparent policy and regulation. We've taken pricing out of the political realm, where it was all too often abused by governments in the past and has left our children with a legacy of debt.

In addition, we're working with other provinces—Manitoba, Quebec, and Newfoundland and Labrador—to look east and west in meeting our needs. And looking

south, our plans to close our own coal-fired generating plants not only makes sense by eliminating their damaging emissions, but our resolve gives us the ability to work with our American neighbours to encourage them to reduce their emissions, which promises significant benefits for our air and the world's climate.

Our government has taken a multi-faceted and comprehensive approach to renewing Ontario's approach to electricity, ensuring an approach that will result in a sustainable, clean, reliable and affordable supply of power for years to come.

In summary, the opening of the Glen Miller hydro-electric project is just one more sign of the bright energy future that we are creating for all the people of Ontario.

**The Speaker (Hon. Michael A. Brown):** Responses?

#### ORGAN DONATION

**Mr. Frank Klees (Oak Ridges):** I'm pleased to respond to the statement made by the Minister of Health. You know, if there's any issue in this place where we can find common ground, I'm sure it is the issue of organ donation and the fact that we as a government must do whatever we can to ensure that the many people on those waiting lists—as the minister said, one person dies every three days in this province awaiting an organ transplant. That is unconscionable, and we have a responsibility to do something about it.

I also welcome the minister's announcement regarding a citizens' commission to investigate what the appropriate policy would be to ensure that the issues are addressed appropriately. But I would appeal to the minister to include in that commission members from all three parties. It is unique that in this place we have had, over the last few weeks, members from each political party bring forward private members' bills all with the purpose of ensuring that the issue of organ donation is addressed, that the lines are shortened. So I would make a recommendation to the minister to give consideration to put as members on that committee Mr. Kormos, who introduced his bill from the NDP; and I would certainly be willing, as the sponsor of my private member's bill relating to organ donation, to participate; and certainly Mr. Levac, who introduced his bill, which was debated this morning. That bill also received unanimous consent in this House, as did mine. I think it would be appropriate for the three parties to work together, to show that in fact this is a tri-partisan initiative, that there is consensus in this House on this very important issue. I look forward to working with the minister in that regard.

#### ELECTRICITY SUPPLY

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):** It's a pleasure to respond to the Minister of Energy, as usual. Welcome back. I know you had a little tour this week, making some announcements—although I guess we should quantify just the significance of those announcements.



I guess we'll start with the energy one first. Six additional megawatts of generation: That's wonderful, but it pales in comparison with the 6,500 that you continue to insist you're going to shut down, and you're way off schedule on that. It's about time to call in the coroner and determine that policy as being officially dead. It's time to move on and plan, as others are, to ensure that we can create generation in this province that will ensure the lights are on and not simply to tell the people you've got a plan when there's nobody left out there who believes you but yourself. Not even your own caucus believes you.

1400

On your energy conservation announcements today, I guess I could say, "What took you so long?" We've been telling you for two and a half years that you've got to do something to encourage conservation with regard to energy-efficient light bulbs. Finally, a light bulb must have gone off in the conservation office there. At \$300,000-plus a year, I guess you figure what everybody has been telling you people for two and a half years is a good idea: Energy-conserving bulbs will help.

Your plan for air conditioners that you announced a couple of weeks ago really amounts to handing a monopoly over to a specific group, because that's not a consumer rebate at all. It remains to be seen how much individual consumers will benefit from that announcement.

I could ask the Minister of Tourism, who no longer lifts up his book to Bob Rae, what about energy-efficient appliances? You cancelled the program two years ago—nothing. We're coming into the summer, we're filling up those old beer fridges again, but you're doing nothing. You have done nothing in two years to encourage people to replace those appliances with energy-efficient appliances. In fact you cancelled our program, which was a very well received program, an excellent program that was paying dividends to the province of Ontario.

We keep hearing announcement after announcement. Now you're saying that you've got plans for 11,000 megawatts that will power five million homes. You're shutting down 6,500 megawatts. At that rate, you're shutting off the power to almost three million homes in this province.

Minister, get on with the program. We need energy in the future, not just announcement after announcement and promises that you can never keep.

#### ORGAN DONATION

**Mr. Peter Kormos (Niagara Centre):** I'm pleased to have the opportunity to respond to the Minister of Health. Notwithstanding the incredible efforts of organ donation advocates across this province and this country, people like George Marcello and so many others who are out there on the ground telling people about organ donation, telling people about the proverbial gift of life, telling people indeed how, rather than selfless, having one's organs after one's death used to save another life can be done at literally no cost to oneself. It requires no sacrifice

whatsoever. Notwithstanding the institutional efforts of the Trillium Foundation, notwithstanding modest improvements in the efforts of the Trillium Gift of Life Network to identify possible organs available for transplant, there hasn't been a major reduction in the waiting list here in the province or across the country. It has been cited that 1,800 people, give or take, on an annual basis are waiting and dying here in the province of Ontario, while at the same time we in the NDP believe very, very strongly that good organs, organs that can save lives, are being buried and burned. We believe there has to be a radical, major, indeed revolutionary shift in values and perspective before we're going to have not just a reduction but an elimination of those waiting lists.

You know, it's well known that New Democrats have been advocating for a system of presumed consent or presumed intent, as is used in so many European jurisdictions to great success. It's not just the pragmatic application of presumed intent; it's the shift in attitude that it creates. It encourages people to understand that of course one's organs are going to be used after one's death to save and prolong the lives of others. It's not a matter of internal debate or even a matter of discussion, because one of course presumes that those organs, no longer of any use to that person, will be put to use.

We have laws that ensure that in the event somebody dies without a will, his or her assets are distributed to the next of kin. If you don't make a will in this province, it's presumed that you intend for your assets to be given to your children, your grandchildren and your sisters and brothers in a statutory schedule of who constitutes next of kin. I tell you that presumed intent legislation would do the same for organs. Yet in the event that people don't make that election, just like people from time to time do not make a will, I believe it's the obligation of the government, the obligation of the state to ensure that there is a presumption of the intent of that person, and that just as assets aren't stored away or confiscated by the government or buried in a landfill, organs shouldn't be either.

We believe that at the end of the day it's members of this Parliament who have to make decisions, and they will inevitably be tough and challenging decisions. But we have to show the courage and demonstrate the leadership that is necessary to take people into a new era, an era where organ donation waiting lists will disappear because good organs are being used to prolong and save the lives of those people, including oh so many young people, when they're of no use whatsoever to the bodies that they formerly inhabited.

#### ELECTRICITY SUPPLY

**Mr. Howard Hampton (Kenora-Rainy River):** Once again, today, we have another photo-op announcement of the McGuinty government that does virtually nothing for energy efficiency and energy conservation, but it's a continuing attempt by the McGuinty government to cover up, to hide their real electricity policy. And



what's the real electricity policy? Forty billion dollars on mega nuclear power plants; that's the real McGuinty electricity policy.

If the McGuinty government were really interested in energy efficiency, the Pembina Institute and the Canadian Environmental Law Association have provided a framework. In fact, they've published several frameworks for the McGuinty government. But each time they publish their framework, what they note is that the McGuinty government has failed.

California has reduced electricity consumption by 12,000 megawatts. That's the equivalent of three Darlington-sized nuclear power plants. That is an energy efficiency strategy. But we see nothing like that from the McGuinty government.

The McGuinty government talks about affordable electricity. Over 4,000 forest sector jobs have been wiped out in northern Ontario because the McGuinty government is driving electricity rates through the roof.

### VISITORS

**Mr. Frank Klees (Oak Ridges):** On a point of order, Mr. Speaker: We have a wonderful page program in this place. As members, we all get notification of those pages who are appointed from our ridings, but we also get notice of those who applied but weren't successful because there are only so many spaces. I always make it a point to invite those pages to come and visit Queen's Park. We have with us in the gallery this afternoon three of those young people and their friends. I'd like us to welcome them. I'll read out their names.

We have with us Emily Pringle from Richmond Hill and her friend Krizka Orpilla. We have Stephanie Wan from Richmond Hill and Tina Nguyen. And we have Paige Fernandes from Richmond Hill and her friend Chantal. They're accompanied by Emily's father, Fred Pringle. All six girls are in grade 7 at Our Lady Help of Christians in Richmond Hill. Please welcome them.

### WORKPLACE SAFETY

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** On a point of order, Mr. Speaker: I believe we have unanimous consent for all parties to speak up to five minutes to recognize the day of mourning for injured workers.

**The Speaker (Hon. Michael A. Brown):** Mr. Bradley has asked for unanimous consent for all parties to speak for up to five minutes on the day of remembrance for injured or deceased workers. Agreed? Agreed.

**Hon. Steve Peters (Minister of Labour):** April 28 is observed across Canada as the day of mourning for workers killed or injured on the job. The date was chosen because on April 28, 1914, the Workmen's Compensation Act was given third reading in this very Legislature. The government of Ontario has been recognizing the day of mourning since the 1980s. The day of mourn-

ing was officially recognized by the federal government in 1991, eight years after the day of remembrance was launched by the Canadian Labour Congress. The day of mourning has since spread to about 80 countries around the world.

**1410**

Tomorrow marks the 22nd anniversary of this most important date. On this day, we will remember and honour those who have died, been injured or become ill as a result of their job. It is a day to remember, to reflect and to commit: to remember lives lost or forever changed by the simple act of going off to work; to reflect upon the past and know the great strides that have been made in health and safety over the years thanks to the commitment and dedication of those who fight for workplace health and safety; to commit to making workplace health and safety a personal priority and to take action to prevent workplace tragedies.

It is a community effort. Health and safety advocates in our businesses, schools and our communities work hard every day to ensure healthy and safe workplaces all across Ontario. This has resulted in Ontario having one of the lowest workplace injury rates in all of Canada. Despite this, though, too many men, women and young workers continue to lose their lives or suffer an injury or illness as a result of their job. In 2004 alone, the Workplace Safety and Insurance Board reported 296 work-related deaths and more than 270,000 workplace injuries. These statistics are overwhelming. No job is worth a life; no job is worth an injury.

When I became the Minister of Labour, I was shocked to discover how many of our young workers are injured or killed on the job every year. In 2004 alone, seven young workers lost their lives at work and more than 49,000 were injured. I think we all find these statistics devastating. These statistics represent young people who are our sons, daughters, grandchildren and friends. But these young people were our future. What is most devastating is that all of these tragedies could have been prevented.

I rise today as the Minister of Labour, but I know I echo the sentiments of all members of this House and past Ministers of Labour across all party lines when I say that workplace deaths and injuries are tragic and unacceptable. I speak to all of you today as employers, as parents and as members of our community. We must each dedicate ourselves to doing what we can to ensure that people go to work every day and return home every day safe and sound. I urge each and every one of us to make workplace health and safety a personal priority, not only for the people of Ontario whom you represent, but also for your friends, your families and your communities. We must work together to ensure that our sons, our daughters, our loved ones and members of our communities return home safely from work every day.

We have the knowledge and the resources to prevent workplace injuries. It's our job to make sure that every workplace has access to the information and tools they need to improve workplace health and safety. We must



hold those in positions of responsibility to account. As elected representatives, we have a duty and a responsibility to lead by example and make safety a priority every day of our lives. Let's dedicate ourselves to prevention. Let's honour those we remember today by using the knowledge we have to someday reach that goal of eliminating workplace injuries and deaths. We have to change, though, how society views workplace health and safety.

I'm proud to represent a government that is actively promoting a culture of prevention, one that understands the importance of investments in workplace health and safety. However, I know that there is much more to be done. We must continue to raise the bar for workplace health and safety.

Very shortly, we will observe a moment of silence to remember those who have died, who have been injured or who become ill as a result of the job. Let us honour the memory of our fallen workers by pledging that we will do what we can to prevent future workplace tragedies.

**Mrs. Elizabeth Witmer (Kitchener-Waterloo):** I'm pleased today to join my colleagues on all sides of the House to speak on behalf of our leader John Tory and our party on this day of mourning, which will be observed in Canada tomorrow.

Today in this House we remember the many workers who have suffered injury or illness or lost their lives while on the job. Today is the opportunity for us to be reminded of the terrible human, social and economic toll that workplace illnesses, injuries and fatalities can take. Today we have the opportunity to join with the workers in this province, the employers and the others to express our sincere condolences to the families and friends of those killed or injured in the workplace.

Today is also an opportunity for us as legislators to reaffirm our shared commitment to the prevention of illness and injury and zero tolerance for fatalities. Health and safety is not a political issue; it is a human issue, and we all bear responsibility to do what we can to prevent illness, death and injury.

There are approximately 300,000 Ontarians injured on the job each year. So it is up to us as leaders to work together to ensure that our workplaces are healthy and safe. We need to continue to develop health and safety programs, and we need to continue to provide training, particularly to our young people, in order to prevent illness, death and injury in the future.

I know we have seen improvements in recent years. However, we must never become complacent, because there is still so much more to do. I can remember, as Minister of Labour in one of the first months in office, receiving a visit from a father, Paul Kells, whose 19-year-old son had been killed in the workplace. He took action because he wanted to make sure that no other family suffered the tragic loss that they had, and he set up the Safe Communities Foundation.

At this time of year, when young people are about to go into the workplace, some of them into their very first job, it is extremely important that we do all we can to

raise awareness about health and safety. We also need to make sure they know about their rights as an employee, and that is that they have the right to refuse unsafe and dangerous work. They need to know they can always say no.

Yes, health and safety must remain a priority issue for us. So on this day, when we recognize injured workers and those who have died on the job, we have that opportunity to renew our own personal commitment to the task of eliminating death, illness and injury in the workplace, because one death, one injury or one more illness will always be one too many.

**Mr. Howard Hampton (Kenora-Rainy River):** This Legislature passed Ontario's first Workers' Compensation Act in 1914, 92 years ago today. In 1914, most who worked in the foundries and the forests, mines and mills risked life and limb to feed their families. Sadly, injuries were regarded as part of the job. Incredibly, deaths too were regarded as part of the job. Those workers fought governments and employers so that workers wouldn't have to die to feed their children. Ninety years later, their children and grandchildren are still fighting. Last year, pallbearers carried 322 Ontario workers to their graves as a direct result of workplace conditions. Another 357,555 workers had to claim compensation for work-related diseases. Missing from the official record were an estimated 6,000 workers killed by cancer, lung disease and other ailments, all attributed to toxic substance exposure in their workplaces.

1420

Today we honour the memory of these working women and men killed on the job. But it's too easy to get lost in the numbers. It is vital that we remember that each of these deaths, each of these injuries happened to real people: workers; women and men with families and friends.

Bob Shaw was a firefighter in Hamilton. He died in March 2005 of esophageal cancer, leaving behind his wife, Jackie, and son, Nathan. He was a fit and healthy man who developed a cancer that is all too common to firefighters. His family is still fighting to have this acknowledged as a workplace death.

Ned Peart was a migrant worker from Jamaica. He died in August 2002 when a bin tipped and crushed him on a tobacco farm near Brampton. He left behind a big family in Jamaica, including his father, a former farm worker who had asked him not to go to work in Canada. Farm workers like Ned are still being denied today the right to organize unions, the right to fight through those unions for better health and safety protection. And they are still denied today the same health and safety protections extended to other workers.

Jim Vandermeer of Dryden hasn't been able to work for two years because of his workplace injury. He was one of hundreds of construction workers who worked on an air emissions project at the Dryden Weyerhaeuser paper mill between 2002 and 2004. These construction workers worked in a plume of chemicals from the smokestack, day in, day out, for months on end. Mr. Vander-



meer suffers from neurological damage, nerve damage elsewhere in his body, a lack of stamina, shortness of breath and fatigue. Despite the fact that this happened over two years ago, he has yet to receive any compensation from the Workplace Safety and Insurance Board.

These are three stories of thousands that happen every year. We remember, in the hopes that one day we won't need a day of mourning because working people won't be killed or injured on the job.

**The Speaker:** Would all members and guests please join me in observing a moment of silence in recognition of Workers' Memorial Day.

*The House observed a moment's silence.*

## ORAL QUESTIONS

### HEALTH CARE

**Mr. John Tory (Leader of the Opposition):** We had been informed that the Premier was going to be here, and there he is. He's coming. Perhaps I could just beg the indulgence of the House for a moment.

**The Speaker (Hon. Michael A. Brown):** Reset the clock. Leader of the Opposition.

**Mr. Tory:** Thank you, Mr. Speaker. My question is to the Premier. As you know, Ontarians want a quality health care system that delivers the right service at the right time. In fact, I think those are words you've often used. Yesterday, we had the Ontario Health Quality Council issuing a damning report on your progress or lack thereof on the public health file. The agency's first report called it "a disturbing reality" that some Ontario residents are not getting the health care they need "because of who they are." They talked about rural residents, aboriginal residents, differences between men and women, diabetic patients and so forth. How can you explain these major shortcomings in our health system? And why are you demanding so much in the case of your punishing McGuinty health tax and yet delivering less and delivering inequity for these people?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I'm pleased to receive the question and pleased to talk a bit more about our new health quality council. That is a creature which is a product of our government's policy. It arose out of our piece of legislation called the Commitment to the Future of Medicare Act. The intention behind that is that—unlike, I would surmise, the previous government—we are more than prepared to be judged, to be held accountable and to ensure that information is transparent when it comes to Ontario's health care system. For the first time ever in the history of our province, there is now an independent, arm's-length body which is specifically responsible for commenting on government policy and what it's in fact producing on the front lines. I want to take the opportunity to thank the people at the Ontario Health Quality Council, and to let the people of Ontario

know that we are proud to make this information available to them for the first time. In the supplementaries, I'll tell you about some of the great things that are happening when it comes to health care in Ontario.

**Mr. Tory:** Well, you may well do that, but I would prefer it if you would actually answer the question, because when you commission a report like this and create a body like this, then I believe you have some responsibility. It's not just about creating the body and commissioning the report. You have a responsibility to answer what they have to say, and what they're saying, as we've been saying for weeks now, is that people are paying more and getting less. This independent body says that little or no progress has been made on many aspects of health care. In fact, the ones where they point to progress being made—Telehealth, the northern medical school and the universal flu shot—were initiatives of the previous government.

What they say is that under your watch—and I quote their words—there are "disparities"; there are "inequities." How can it be that after three years and the massive amounts of money you are taking out of the pockets of Ontario taxpayers, we have these disparities and inequities, we have people paying more and getting less, and all of the differences in the quality of care and access to care that the report identifies as received by the people of Ontario?

**Hon. Mr. McGuinty:** I want to ensure that the Leader of the Opposition is in fact referencing the document just put out by the Ontario Health Quality Council, because if he makes reference to the conclusion of the report, he will read the following, and I will quote this for you: "We've found that Ontario's health system is performing well relative to other parts of Canada. The overall health of Ontarians is improving and we are making progress in getting the results we want from health care." It seems to me that we're moving in the right direction.

But it's at least passing strange that the Leader of the Opposition is now in fact relying on a document produced by the Ontario Health Quality Council because, originally when we proposed this by way of legislation here, his health critic, Liz Witmer, said, "This health council has no power.... It's not going to tell us how well our health system is doing." Miller said, "Under this legislation, the council will not be independent, it will not report directly to Ontarians and it won't tell us how well the government is managing the health care file." Tim Hudak said, "This notion that they're going to be reporting on the health care system is nonsense," and, "The quality health council is an empty vessel."

We can rely on the Ontario Health Quality Council and we can rely on—

**The Speaker:** Thank you. Final supplementary.

**Mr. Tory:** You read me a quote; I'll read one back and then maybe you could actually respond to this one. The report goes on to suggest that not only are Ontarians seeing no progress in their health care system, but aboriginals, low-income earners and diabetics are some of the groups being left behind. "In Ontario, heart attack vic-



tims who are wealthier and better educated are more likely to receive specialized investigations, rehabilitation, and specialist follow-up. Wealthier Ontarians are more likely to get rehabilitation after a stroke, get preventive care such as screening tests for colorectal cancer and have more hip and knee replacements, cancer surgery and MRI scans, even though lower-income Ontarians tend to be sicker than wealthier ones."

This is the status reported in this report you just quoted from. I quoted from page 13. These are the very people you are making pay more of your health tax, the lower-income earners. What do you have to say about this report saying that there are these discrepancies and disparities between these groups of people, especially lower-income and rural people?

1430

**Hon. Mr. McGuinty:** The single, most important and effective tool we can put in place to address the inequities to be found in health care—and admittedly some exist; we inherited those—is a community health centre. Over our term, we're putting in place 39 new community health centres. These are specifically aimed at communities that are having trouble accessing health systems, whether those be our First Nations communities or lower-income communities. We even have some new ones which are specifically targeting youth in Ontario, another group that traditionally has been hard to reach.

So again, the Leader of the Opposition tells us that he is not satisfied with where we find ourselves in health care. He tells us that somehow he's going to bring about substantive improvement by reaching into the public health care system and taking \$2.5 billion out. I just can't understand how taking money out of the system is going to improve its quality for the people of Ontario. I believe there is more work to be done, but I think it's all right from time to time to stop and take stock of the improvement that we're making together.

**The Speaker:** New question.

**Mr. Tory:** My question again is for the Premier, and I'm sure they'll be doing a lot of cancer surgery and hip and knee replacements at the community health clinics, where the lower-income people can't get the care they need.

Let's talk about what you're doing with that money that you're taking out of the pockets of Ontarians through the McGuinty health tax, which you explicitly promised, of course, during the election campaign, you would not do. Perhaps you could provide us with an update on the current status of your government's Smart Systems for Health. To date, \$260 million has been spent on this initiative. You're spending another \$144 million this year. The report from the Ontario Health Quality Council says that we have 108 e-health projects executed by 45 entities under 14 funding authorities—an absolutely guaranteed prescription for a lack of results and for complete bureaucratic chaos, waste and mismanagement. Where does this initiative stand? When are we going to start to see some value for the taxpayers' money being spent on this project?

**Hon. Mr. McGuinty:** To the Minister of Health.

**Hon. George Smitherman (Minister of Health and Long-Term Care):** I want to say to the honourable member that, firstly, he may with the sweep of his hand wash away and disparage the role of community health centres in his province, but if he was aware and connected to what's going on at community levels, I do believe he would find that community health centres truly are one of the most effective ways that we can address fundamental inequities that exist in our health care system. We believe fundamentally that equity is one of those most essential principles.

Accordingly, with respect to Smart Systems for Health, the honourable member should be a little bit careful to, again, sweep away the initiatives they've been involved in and advancing on behalf of our province. I'll give one that's very important to all of us: We came into life as a government right after SARS and found that, during SARS, we didn't have integrated public health database software. We were working with Post-it Notes to track cases. We've just come live in all of the public health units across the province of Ontario: a Smart Systems for Health initiative to develop IPHIS, the integrated public health information system, a critical tool in defence against those threats that we're all very concerned about. So this is one example of a very profound deliverable.

**Mr. Tory:** I don't diminish the importance of an accomplishment like that at all, no, because what I say is that when taxpayers are investing \$400 million, they have the right to expect more from you than one thing you can name: \$260 million now, \$140 million more this year. Don't take it from me; take it from the Toronto Star. They say that government efforts to bring computerized patient records to all Ontarians were riddled with delays and conflicting agendas despite the fact that more than \$260 million has been spent on the project. We have \$260 million spent, and you can name exactly one thing that is being done with that money.

The Ontario Health Quality Council talked yesterday about the absence of a clear plan, appropriate governance and requisite funding. These are concerns, and they said the result is "too many players pursuing uncoordinated agendas." You have had a review under way for months on this. We've heard nothing from you on the results of that review. When are we going to hear some real results that affect all Ontarians for \$260 million, plus \$144 million of their money? When are you going to stand up and say that something really substantive has been done with this money instead of just spending it on high-priced bureaucrats?

**Hon. Mr. Smitherman:** Firstly, the honourable member says that he doesn't want to diminish the necessity of a public health infrastructure and then he does it again. Then he asks for a very specific deliverable, and we offer one and he sweeps it away.

Well, here's another one: Hospital emergency rooms across the province of Ontario, as a result of the initiative Smart Systems for Health, have now got the capacity to



determine the drug use of those people on the Ontario drug benefit. This is one more very specific example of a project that was advanced by Smart Systems for Health.

To your point, sir, that these are bureaucrats, the reality is that we inherited a Smart Systems for Health that had been loaded up by your government in the way that you worked with consultants—consultants left, right and centre. We have worked to make sure that Smart Systems is a properly performing organization so that the investment that we make is one that pays appropriate dividends for taxpayers.

Accordingly, we have a new board in at Smart Systems for Health. I can assure the honourable member—I would be very pleased to brief him on this, as I've offered on prior occasions—that Steini Brown, assistant deputy minister of strategy in our ministry, is—

**The Speaker:** Thank you, Minister. Final supplementary.

**Mr. Tory:** Well, let's talk a little bit about loading up, because the new champion is sitting across the House from me: the Minister of Health. This agency saw its \$100,000—

*Interjections.*

**Mr. Tory:** I can wait until you all are finished. Go ahead. Take your time.

**The Speaker:** Stop the clock. Leader of the Opposition?

**Mr. Tory:** Let's just review the facts on the loading up. This agency saw its \$100,000-a-year-plus club, the people who make more than \$100,000 a year, just in this smart health records agency climb from 14 to 73 people in the last year. There wouldn't be any organization anywhere that has that many more people—from 14 to 73 people—and yet you can stand up here and tell me about two things that have been done across the province.

You set up a review of this agency in December 2005, and here we are in April; we've heard nothing from you. But on the website today there are a dozen more positions that are waiting to be filled by these kinds of people.

The Premier talks about the right services being provided to people at the right time. I don't think that people who are paying the health tax to your government are thinking about the fact that they're paying that to get the number of people making \$100,000 a year quadrupling on your watch.

When are you going to explain to people paying the health tax when they're going to see some real results, some real value for the money they're paying in their hard-earned taxes, instead of these expensive—

**The Speaker:** Minister?

**Hon. Mr. Smitherman:** The circumstances that are related to that—I gave the honourable member the answer even before he chose to raise it as a question. Apparently, he doesn't get it.

The reality is that Smart Systems for Health had been established by the previous government as a playpen for consultants. I can't say it any more plainly than that: It was a playpen for consultants. We've worked to overhaul

the administration there to make sure it performs in a fashion which delivers appropriate accountability to the taxpayers.

Accordingly, we've just put in a new board at Smart Systems for Health of people who have tremendous capacities, to be able to make sure that we move forward and address those information technology opportunities.

I say to the honourable member, with respect to the challenges of the development of an electronic health record, this is a multi-year project that requires the investment and the development of the appropriate infrastructures. We've laid lots of that pipe. We've made those investments. There is more work to do as it relates to the e-health strategy. I said to the honourable member earlier that we'll be bringing that forward and it will, I'm sure, be one that the honourable member will wish to be briefed on so that he can bring to this House more than his top-line rhetoric.

## SOFTWOOD LUMBER

**Mr. Howard Hampton (Kenora–Rainy River):** My question is for the Premier. A year ago, your Minister of Natural Resources said, with reference to the softwood lumber dispute, that Ontario must be at the table: "I won't be out of the room, because I want to know what's going on." Yesterday, your Minister of Natural Resources said that he was blindsided, but I think everyone who could read the newspaper knew that softwood lumber negotiations were going on. Can you explain how your Minister of Natural Resources could be blindsided when everyone knew that these negotiations were going on and your minister said he had to be in the room?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** Let me say at the outset how proud I am of the work being done by David Ramsay, our Minister of Natural Resources, on behalf of the forestry sector in the province of Ontario and all those Ontario communities that rely on it for their livelihood and their well-being.

I think the leader of the NDP actually knows that we have retained Michael Kergin, former Canadian ambassador to the US, to act as our negotiator. He is our person on the ground in Washington. He may as well already know that we had come to an agreement with respect to the position we wanted to have advanced in those negotiations. We left one particular evening, having delivered those instructions. They were well received and well understood. It turned out the next morning that something happened overnight when negotiations were not in our hands—just so the leader of the NDP understands with some clarity and accuracy what has happened. Having said that, we have since then made our position very, very clear and I look forward to articulating that during the supplementary.

1440

**Mr. Hampton:** Under your watch over the last two and a half years, 4,000 forest sector jobs have disappeared in this province, mainly in northern Ontario, so



a reasonable person, I think, would expect that your government would be paying very careful attention to this.

I want to quote your minister from February 10, where the Toronto Star says that Ontario Natural Resources Minister David Ramsay said he was stunned when he read in the Toronto Star yesterday that a softwood deal had been in the offing before the election. He said, "I was surprised this morning. I was surprised by the story and surprised that the federal government was that close to an agreement." Yesterday he said he was blindsided; a few months ago he said he was stunned. Everyone knows these negotiations have been carrying on. How could your minister be blindsided yesterday and stunned just a few months ago?

**Hon. Mr. McGuinty:** The negotiators involved, the federal government and now the US government, know exactly where we stand. I think if there's any question that Ontarians would want to have answered today, it is, do Mr. Hampton and the NDP stand with the people of Ontario? Do they stand with Ontario's lumber industry? Are they prepared to stand up for our province to ensure that we get a fair deal in Washington that respects the needs of our industry, our northern Ontario communities, their well-being and their future prosperity? I think that is the real question the people of Ontario would like to have answered.

**Mr. Hampton:** I'll tell the Premier whom I stand with: the 525 workers at Cascades who were laid off under the McGuinty government; the 130 at Neenah Paper in Terrace Bay who were laid off under the McGuinty government; the over 300 at Kenora who were laid off under the McGuinty government; the 520 in Dryden who were laid off under the McGuinty government; the 175 in Red Rock who were laid off under the McGuinty government; the 70 at Norbord in Kapuskasing who were laid off under the McGuinty government.

Your government has presided over the destruction of thousands of forest sector jobs. What do we hear from the minister? When everyone knew a deal was being negotiated before the election, he says he was stunned. When everyone knew a deal was being negotiated over the last couple of weeks, he comes here and says he was blindsided. Premier, while thousands of forest sector workers lose their jobs, how many times is the McGuinty government going to be stunned and blindsided that negotiations are going on?

**Hon. Mr. McGuinty:** The leader of the NDP has not had the opportunity of late, obviously, to speak with representatives of Ontario's forest industry. Had he had that opportunity, he would then know how closely allied the minister is and our government is with the interests of Ontarians when it comes to preserving and indeed enhancing the future prosperity of our forestry sector.

We have historically contributed 10% to 11% of Canadian softwood exports to the US. Let's get to the nub of this. The draft agreement that was made public yesterday would have capped our exports at just under 9%. That represents a cut of 10% to 15%. It is very important that the federal government gets this agreement

right, not just for interests outside the province of Ontario but for pan-Canadian interests. We have worked long and hard, together with our colleagues in the other provinces, to establish what they've called a hybrid arrangement which will protect not only the interests in western Canada but also those in central Canada.

Again, I invite Mr. Hampton to join us when we stand up—

**The Speaker (Hon. Michael A. Brown):** Thank you. New question.

## PROPERTY TAXATION

**Mr. Howard Hampton (Kenora-Rainy River):** I say to the Premier that killing 4,000 forest sector jobs is hardly what I call standing up for Ontario forest sector workers.

To the Premier: Homeowner outrage over Ontario's broken property tax system is growing stronger every day. The Coalition After Property Tax Reform represents hundreds of thousands of homeowners. Today this group added its voice to the list of groups and people who want you to keep your promise to fix Ontario's unfair, broken down and regressive property tax system. We know, Premier, that you are seized with the property tax issue. What people want to know is, what's your plan to fix it?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I think I've made it clear that we recognize what we inherited as a government was a property tax system that was rife with problems, and that has manifested itself in the representations, calls, letters and e-mails that each and every one of us in this House, I'm sure, has received by way of our constituency offices. We've indicated that we are very pleased with the work done by our Ombudsman. We look forward to acting on those recommendations, but I've also indicated that I don't think those recommendations go far enough to address the root challenges we're going to have to grapple with.

The Minister of Finance will be undertaking some work in connection with this. One of the things he will be doing is calling on the opposition parties to offer their very best advice, with specific recommendations as to how they'd like to have changes made. I look forward to receiving those recommendations from the leader of the NDP.

**Mr. Hampton:** The Premier talks about something he inherited. I want to remind him that you inherited it three years ago and you've been seized with it ever since. The Oxford dictionary defines "seized" as "becoming stuck or jammed," and that's exactly the position of the McGuinty government. You've had no action on the problem of unfair and regressive property taxes. Even though the finance minister has been studying property taxes for two years, even though the Ombudsman has made his recommendations on how to fix part of it, your government still doesn't have a plan and hasn't done anything.



Premier, the property tax system is unfair, regressive and broken. People want to know, since you are the government, what is your plan to fix it?

**Hon. Mr. McGuinty:** I think it's important for our public to understand that, even when we have made genuine efforts to improve the property tax system for Ontarians, as, for example, when we put forward an initiative to help seniors by increasing the seniors' property tax credit by 25%, the NDP voted against that. When a representative was asked about property tax reform by the Ottawa Citizen, Mr. Prue said the party "'is in the gestation of looking at some kind of official policy.'"... The NDP doesn't want to share its ideas too early...."

Notwithstanding that, we would welcome Mr. Hampton's specific recommendations for improvement to Ontario's property tax system.

**Mr. Hampton:** It's interesting: The budgets you refer to are the budgets where you have \$1.2 billion in tax reductions for banks and insurance companies but nothing for hard-pressed property taxpayers. Homeowners are giving you plenty of options, and I'll give you some here today: Implement all of the Ombudsman's recommendations. Keep your promise to upload the download—the property tax system should not be used to pay for health care, to pay for social assistance, to pay for seniors' housing. Those things should be paid for by you, Premier. You could also bring in a fair and balanced approach to smoothing out skyrocketing assessment increases so that seniors won't have to get out of their homes.

Those are three very practical suggestions, Premier. What is your plan?

**Hon. Mr. McGuinty:** Typical of the NDP. They are full of recommendations and advice with respect to what to do, but of no substance when it comes to how to do it.

It's worth revisiting how we got here. The former government put forward a package of proposals, which in fact extended over eight separate pieces of legislation, none of which were successful in repairing the original injury. What we intend to do is to take our time, to approach this in a way that is both thoughtful and responsible, and to ensure that we get this right.

I want to assure the members opposite, but more importantly the people of Ontario, that the Minister of Finance has taken this to heart.

1450

#### ONTARIO HUMAN RIGHTS COMMISSION

**Mrs. Christine Elliott (Whitby–Ajax):** My question is for the Premier. The human rights legislation that was introduced in this House yesterday by the Attorney General has caused great concern in many communities across this province, particularly among those serving ethnic groups and persons with special needs. These organizations feel that they've been ignored by this legislation and that their concerns have not been addressed. The Urban Alliance on Race Relations has said, "We

strongly oppose a move to the proposed model, which would facilitate a two-tiered system [for complainants] ... the protection of human rights should not only be available to those who can afford it. The government should strengthen and appropriately fund the Ontario Human Rights Commission, not dismantle it." Many community organizations share valid concerns like these. Why are you not listening to them?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I thank the honourable member for the question. I take this opportunity to welcome her and to wish her the very best with her responsibilities. I'd be leery of the advice of the federal member in the riding, though.

I'm sure it won't come as a surprise that we see this differently. We think that this proposed legislation will in fact represent real progress, that it will both modernize and strengthen Ontario's human rights system, that it will be more efficient and more effective. There have been calls now in Ontario for at least 10 years calling for change to our human rights system. Our new law will ensure that the system improves services to the public and advances human rights in the province. I look forward to providing more details through the supplementary.

**Mrs. Elliott:** Premier, the African Canadian Legal Clinic wrote a letter to you on April 12 of this year, which indicated that they had asked for a meeting with you in January 2005. Apparently the matter was referred to the Attorney General, but the April letter indicates that he did not address their concerns. The clinic states in the April letter, "The government is moving ahead with rushed legislative change where no recent consultation has occurred. This speaks to the government's disconnect from the needs of our community." The African Canadian Legal Clinic and many other groups are fiercely concerned that, although you tout your proposed human rights legal support centre as the third pillar to the human rights system, the fact of the matter is that if claimants proceed directly to the tribunal, as proposed, there will be no legal services available to assist them in conducting their investigation in the first place.

Why have you rushed forward with this legislation without holding the consultations so needed to ensure that the rights of all Ontarians are protected?

**Hon. Mr. McGuinty:** I disagree with the characterization that this somehow represents a rushed effort. Various constituencies have been seeking change in this area for 10, 20, 30 years. It's been a long, long time coming. There will be opportunities for constituents and interested parties to make representations during committee.

But let's listen to what some people have said about this legislation. Here's what the chair of the Human Rights Tribunal of Ontario said: "Under this legislation, Ontarians would be able to have their human rights complaints resolved quickly, efficiently and effectively. I look forward to working with the government on implementation." The executive director of the HIV & AIDS Legal Clinic says, "I applaud the Attorney General's



legislation to reform the human rights system. Human rights and community groups have asked for this for many years. We welcome this government's commitment to human rights."

I have many more. We have never, ever pretended that any piece of legislation we put forward is perfect. We look forward to introducing it to committee and getting feedback from Ontarians so we might look forward to improving it further.

### WOMEN'S HEALTH SERVICES

**Ms. Shelley Martel (Nickel Belt):** I have a question to the Premier. According to the Ontario Health Quality Council, Ontario women are 50% more likely than men to get a prescription for a tranquilizer, but women with heart disease are less likely than their male counterparts to receive diagnostic tests and surgery. Can you explain why this is happening in Ontario, and what does your government intend to do about it?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** The Minister of Health.

**Hon. George Smitherman (Minister of Health and Long-Term Care):** I would like to take the opportunity to thank the honourable member for the question and especially to remind the honourable member that she, like the members of the official opposition during the time of debate around Bill 8, the Commitment to the Future of Medicare Act, which she voted against, also suggested that the Ontario Health Quality Council could play no role. The reality is that we came to office, and the health care system had become rather too accustomed to using the word "system" and not delivering system-wide results. We're working very, very hard to create a system and to deliver on the capacity to make sure that public health services are delivered in an equitable way.

The work of the Ontario Health Quality Council will help all health care providers to recognize some of those challenges that were highlighted and help to develop strategies to address them. But the overarching view is that we need to do a better job with information management and to collect data in a consistent fashion. Local health integration networks are of course also going to be a very important element of that strategy.

**Ms. Martel:** What I said on the public record about the council is as follows: "The Ontario Health Quality Council must have the power to make recommendations about how to make health care better for" Ontario "families. Unfortunately, Dalton McGuinty has deprived his health council of that power and ensured his government has no accountability to his ... council." They can table their report under Bill 8 and you can shelve it.

The council also said yesterday, with respect to women's health, that the Ontario annual hospital report included a women's health performance report. But the council also said that "less than half" of hospitals "got beyond the stage of reading the report. Only one in five organizations surveyed claimed the report had an impact on patient care."

Why is quality research about women's health being ignored, especially when it could have a significant positive impact on patient care?

**Hon. Mr. Smitherman:** Quite to the contrary, through a process we're currently involved in in the government of Ontario; we're restoring independent life and governance to Women's College Hospital and at the same time creating a province-wide centre of excellence for women's health, tying together the women's health and research capacities we have and creating them in a fashion where they can operate more like a system.

Ottawa at the Ottawa Hospital has done a great job. In London, they've done work like that. Sunnybrook of course has expertise. But nowhere in the province of Ontario have we bound together all of the potential, all of the research, all of the capacity related to women's health. We're creating that capacity, as we speak, across the way at Women's College Hospital. The Ontario Women's Health Council will be working out of Women's College Hospital, as they both seek to develop better province-wide mandates.

Agreed, this report has been very helpful in demonstrating to us other areas where we can move and enhance the quality of health services. That's what we asked the Ontario Health Quality Council to do. That's what they have done. And through the work that we're engaging in right now, across the way at Women's College Hospital, we're creating a resource that can be province-wide—

**The Speaker (Hon. Michael A. Brown):** Thank you. New question.

### SOFTWOOD LUMBER

**Mr. Brad Duguid (Scarborough Centre):** My question is for the Minister of Natural Resources. Forestry is a major economic driver in the north, yet there are still many forest industry spinoff operations that are located in other parts of the province. As a member who represents the riding of Scarborough Centre and urban areas right across this province, we really recognize that urban areas as well are impacted by the fate of our forest industry. So not only is the north impacted, but so is every city, village and town across this province.

Yesterday in the Legislature, Minister, you explained to us why this is a bad deal for Ontario. Can you elaborate further today on why this deal does not work for this province?

**Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs):** I very much appreciate receiving a question from the member from Scarborough Centre because, as he knows, the majority of forestry jobs actually are in southern Ontario and not in northern Ontario, and many are in the city of Toronto in container board and tissue manufacturing.

I think the House needs to understand the Ontario position and why our historical share of the market is so important in this agreement. Why I was certainly surprised yesterday that this even came up is that it's not a



matter that the United States, quite frankly, cares about. The United States just cares about the total volume of lumber that's exported into their country; they do not care from which province or which region of this country it comes. Therefore, that's an internal matter, a domestic matter, something to be arranged amongst ourselves in this country. Quite frankly, I have indicated that to our Ambassador Wilson, and he now understands the point that Ontario is making.

1500

**Mr. Duguid:** I want to thank the minister for working to protect and champion Ontario's softwood lumber industry. His efforts to stand up for Ontario's softwood lumber industry are appreciated. Surely it's time for the opposition to join us in these efforts rather than keep trying to throw stones at them. Can the minister tell this Legislature what he's done to fight for a fair deal for Ontario's softwood lumber industry?

**Hon. Mr. Ramsay:** We've had discussions with Ambassador Wilson. He understands the point now. But I think it's very important to build bridges across this country, so I've been working with not only trade minister David Emerson, but also the British Columbia forest minister, Rich Coleman, to show support for each other, so that we can equally support the changes we both require, so that British Columbia and Ontario can together support positions in this agreement that would be good for Canada, good for Ontario and good for British Columbia. We're asking that the ambassador present that to the Americans and make those changes so we can have an agreement that's going to be good for the forest industry of this country.

#### PROPERTY TAXATION

**Mr. Tim Hudak (Erie-Lincoln):** A question to the Premier: I'll call your attention to your 2004 budget, page 130. I'll read it to you. "The government plans to proceed with analysis and consultation on alternative assessment stabilization measures for residential and business properties for 2006 and future reassessment years." These will be used to "address taxpayer concerns with assessment volatility for individual properties" and "ensure fairness for all property owners...." I think Mike Colle, then parliamentary assistant to the Minister of Finance, was in charge of studying this very issue. Premier, as you know, it's now 2006. Skyrocketing property assessments are impacting on taxpayers. Can you update us on the status of this study that began in 2004?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I can say that, again, we are looking at all of our options with respect to how we might improve Ontario's property tax system. It took eight separate pieces of legislation to get us into this fix. It's not the kind of thing that can be undone overnight. As I say, the Minister of Finance has taken this to heart. He is actively examining a variety of options in terms of the kind of process that we might put in place so we can engage residential ratepayers, business ratepayers, the

people at MPAC, our municipal representatives and members of the opposition as well so we can put something together that will represent real progress and be of lasting value to Ontarians.

**Mr. Hudak:** I think page 130 is the page the Premier forgot. I'll ask you to free poor Mike Colle over there, who worked so hard on his report from the 2004 budget, but his report has been buried for the last two years. Premier, as one of my questions, I ask you to please free Mike Colle's report and table it with the Legislature; it began in 2004.

The Premier knows as well that CAPTR, a property tax advocacy group, did a presentation today. They indicated that for the last taxation year, they had over half of owners with assessments up greater than 10%; one fifth are up 20%. As you know, CAPTR, which represents hundreds of thousands of property owners and seniors across Ontario, has called for caps on assessment increases. Premier, as part of your study, are caps on skyrocketing assessments on the table or are they off the table?

**Hon. Mike Colle (Minister of Citizenship and Immigration):** Let me at him. I'd like to get into this with him. I'd like to give him an earful.

**Hon. Mr. McGuinty:** Speaker, we're going to be charged with having an extra man on the ice shortly here. Mike Colle wants to get in on this.

As I said, we have an overall, overriding, all-consuming intention, which is to get it right when it comes to improving property taxation in Ontario. We have had an independent assessment of the proposal put forward by Mr. Hudak. It comes compliments of the Ottawa Citizen, and I want to quote from a column put forward by Mr. Randall Denley, who's quite an expert on these matters. He says, "In suggesting capping, the Conservatives are returning to a tactic they employed while in power, to disastrous effect."

We remain earnest in our search to make sure we get this right.

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Order. Stop the clock.

The leader of the third party.

#### NUCLEAR SAFETY

**Mr. Howard Hampton (Kenora-Rainy River):** My question is for the Premier. Yesterday, your Minister of Finance repeatedly claimed that a "decision has not been made" with respect to the McGuinty government's plans to burden Ontarians with \$40 billion of expensive, unreliable and environmentally risky nuclear reactors. Yet recently you said that hydroelectric is maxed out, natural gas is expensive, wind generation is expensive and unreliable, solar is too expensive, and so nuclear power expansions are "on the table" for the province. Premier, your government's fascination with these mega nuclear projects is a very badly kept secret. When are you



going to share all of the details with the hydro ratepayers of Ontario, who will have to pay the bills?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the Minister of Energy.

**Hon. Donna H. Cansfield (Minister of Energy):** I thank the member for the question. We have had the opportunity, as you know, to participate in consultations across 12 cities, with hundreds of individuals and associations. We've even done conference calls with a significant number of people in the north. And we've had an extraordinary number of really good ideas that have been put forward. We are in the process of compiling that information, along with the recommendations from the Ontario Power Authority. We know that there are no easy solutions to this. We are looking at a mixed fuel supply report. We will be presenting that in the near future.

**Mr. Hampton:** Here's the McGuinty government's nuclear record. You refuse to make public all information in your possession about what impacts a nuclear accident would have on human health, the environment and the economy. Nuclear generation companies are lining up to bid on building new nuclear plants. You refuse to put your electricity supply mix plan to a full environmental assessment. And briefing notes show that Ontario Power Generation has been in discussions around locations for new nuclear plants for months. Premier, I say again, this is a very badly kept secret. Your fascination with nuclear megaprojects is clear and obvious. When are you going to share the details with the hydro ratepayers of Ontario, who are going to have to pay the bills?

**Hon. Mrs. Cansfield:** I do thank the member for the question. He's dead on and dead right: We do have an obsession. It's called keeping the lights on. We tend to do it where others will not. I think it's really important that people have accurate information. Currently, 37% of our base load supply comes from nuclear. It supplies 51% of electricity in this province. We also know that we've just refurbished Pickering unit 1 on time and on budget, and we have in place a contract with Bruce for two new units. So there is no question that nuclear is very much a part of the future of this province, as it has been in the past. It has for 40 years been a part of the history of this province. So I think it's important, when information is given out, that the information is accurate.

#### WORKPLACE SAFETY

**Mr. Kevin Daniel Flynn (Oakville):** My question today is for the Minister of Labour. Earlier this afternoon, we all observed a moment of silence to mark the day of mourning. It's a day to remember those who have died, been injured or become ill on the job. Tomorrow, which is April 28, individuals all across Ontario and across Canada will gather together to commemorate and reflect.

Minister, everyone in this House agrees that one workplace accident is simply one too many. We agree that one workplace death is simply one too many. And we've all spoken with constituents whose lives have been forever

changed by a workplace accident, occupational illness, or the death of a loved one.

1510

I know that the day of mourning events have grown in size and scope over the years. In fact, this day is now marked in over 80 countries around the world. Please explain to the House the significance of the day of mourning for those who are watching who may not be familiar with its significance.

**Hon. Steve Peters (Minister of Labour):** First, I want to acknowledge the role that the honourable member played, as both my parliamentary assistant and my predecessor's as well. I just publicly thank him for that.

As well, I think he correctly notes the worldwide importance of this event. It was on April 28, 1914, that the first Workmen's Compensation Act was passed here in Ontario. Today is a day to remember those who have been killed, who have died, who have been injured on the job. It's a time to remember fallen workers. It's a time to reflect, but more importantly, Mr. Speaker, and for all of us, it's a time to learn from the past. And it's a time—

**Mr. Peter Kormos (Niagara Centre):** Mr. Speaker, on a point of order—

**The Speaker (Hon. Michael A. Brown):** You will sit down until the minister has finished his reply. Minister.

**Hon. Mr. Peters:** It's unfortunate to see the disrespect that the honourable member is showing towards injured workers in this province, because it is a time that we collectively, every one of us in this House, need to look forward to the future. We need to reduce the tragic statistics that were quoted, and that we often hear quoted: 296 work-related deaths and 277,000 injuries in this province in 2004; seven deaths of young workers, 49,000 injuries to young workers. That's not acceptable.

We all need to take an important role and play a role in prevention. As well, the day of mourning marks the stark importance of the challenges that we face in this province of protecting our workers.

**Mr. Kormos:** Mr. Speaker, on a point of order: My point of order is that it's out of order for a parliamentary assistant to ask a question of his minister.

**The Speaker:** You're absolutely right. Supplementary?

**Mr. Flynn:** This really is an important issue, and it's a shame the way it's being treated.

Thank you, Minister, for highlighting the significance of the day. Workplace injuries and fatalities are tragic and unacceptable. The suffering to workers, their families and friends cannot be quantified. As your former parliamentary assistant, I had the opportunity earlier this year to lead a province-wide tour to promote the message of workplace safety and accident prevention, and visited a lot of chambers of commerce across Ontario.

Strengthening enforcement of regulations has an enormous effect on injury prevention. Over the past few years, your ministry has taken vital steps to strengthen and improve regulations under the Occupational Health and Safety Act. Minister, would you please let the House



know more about some of these important initiatives to help prevent workplace injuries in Ontario?

**Hon. Mr. Peters:** Allow me to introduce my parliamentary assistant, the honourable member from Thornhill.

This is a very important matter. It's a serious matter, and there is no doubt that more needs to be done. As a government, we take the issue of health and safety very seriously. I think we've demonstrated very clearly that commitment to health and safety by the Premier, supporting the initiative to hire an additional 200 health and safety officers for this province, doubling the number of individuals who serve in that capacity.

As well, we're taking action to protect workers in a number of other ways, and contrary to what was said by the leader of the third party earlier today, effective June 30, 2006, farm workers in Ontario are going to fall under the Occupational Health And Safety Act, something that has not happened in the history of this province. We're proud of that.

We've updated asbestos regulations. We've amended construction regulations. We've updated and strengthened—

**The Speaker:** Thank you. New question.

#### ONTARIO HUMAN RIGHTS COMMISSION

**Mr. John Tory (Leader of the Opposition):** I'd like to return to the Premier and to the subject of the human rights commission legislation. The Premier spoke about how a number of people have been talking about the need for change for years and so forth and so on, but I don't think that really dealt with the question from the member for Whitby-Ajax, which was why you needed to bring this bill forward before so many groups had an opportunity to be consulted on it. In fact, we have a long list of groups here, all kinds of groups, from the CNIB to the Canadian Hearing Society to Community Living Ontario to the National Anti-Racism Council of Canada to OPSEU and so forth, who specifically said that they were not consulted on this.

My question is this: These people are very concerned about inequitable access to the human rights process, the fact that you will have to go out and hire a lawyer now and get involved in a very complicated, expensive process and how a lot of people will be left out. Will you commit, in order to make sure these people are heard before this matter comes here for second reading debate, that this bill can go out after first reading to complete the job the minister should have done and indicated he would do before he introduced the bill, namely to properly consult these groups that are very concerned about this turn of events in human rights legislation in Ontario? Will you commit to that?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** There has been ongoing consultation and discussion about our human rights

system for the past 15 years. In fact, a number of reports have been issued in connection with this particular issue. Report after report has shown that there is a system in place which is badly in need of improvement.

The fact is, over the last year, we've held meetings and consultations with over 30 individuals and groups, including many community groups, legal practitioners, legal clinics, academics, and employer and labour organizations. We have consulted extensively, with a view to getting the best ideas to incorporate into our bill. As I say, there will be opportunity during debate, and of course through committee, to improve upon that, should that be required.

**Mr. Tory:** I have a list here of another 20 groups. You talked about meeting with 30 lawyers and whomever else you've said has been met with, but there's clearly a group of 20, and these are not just people who were made up in the dark of night: It's B'nai Brith Canada, Accessibility for Ontarians with Disabilities Alliance and the South Asian Legal Clinic of Ontario. These are people who have explicitly said that they were not consulted and not met with. In fact, many of them even asked to be met with before you brought this legislation forward and were refused a meeting by the minister, refused an opportunity to consult.

I made one reasonable suggestion to you, which was that you agree to have this bill sent out so that these people can have their chance to be heard after first reading of the bill. It should have been before; you didn't answer that question.

Let me address one other matter to you. When the disabilities legislation was being put through the House, it was indicated by you and by your ministers that, rather than setting up a separate tribunal, those people could have the act monitored by the human rights commission, which you are now fundamentally altering. What are these people to make of that when you're making a change on the very thing—

**The Speaker (Hon. Michael A. Brown):** The question has been asked.

**Hon. Mr. McGuinty:** To provide a bit more information to the Leader of the Opposition and to the House with respect to with whom the minister consulted, just some of those groups include: the Metro Toronto Chinese and Southeast Asian Legal Clinic, the African-Canadian Legal Clinic, the Ontarians with Disabilities Act Committee, the Advocacy Resource Centre for the Handicapped, the Centre for Equality Rights in Accommodation, the League for Human Rights of B'nai Brith, OPSEU, the Ontario Federation of Labour, the Canadian Federation of Independent Business and many, many others.

The fact of the matter is that we have had extensive consultations in order to get the best possible advice with respect to how to lend shape to this bill. But again, we will have the opportunity to debate this in this House, and



then, subsequent to second reading, there will in fact be public committee hearings, giving ample opportunity for persons interested to comment on this draft legislation.

### WORKERS' COMPENSATION

**Mr. Howard Hampton (Kenora–Rainy River):** My question is for the Premier. Between 2002 and 2004, construction workers at the air emissions project at the Dryden Weyerhaeuser mill were exposed to a plume of chemicals, including mercury, manganese, hydrochloric acid, ammonia, chlorine and arsenic. As a result, almost all of these workers are very sick and have suffered neurological damage, causing their motor skills to deteriorate. Four years later, the WSIB has not compensated even a single worker of the 160 workers who submitted claims.

Premier, when will these seriously injured workers receive the help and the compensation that anyone who has looked at the case agrees they deserve?

1520

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the Minister of Labour.

**Hon. Steve Peters (Minister of Labour):** As we know, the health and safety of Ontario citizens is the number one priority for us as a government. We also recognize that exposure to hazardous substances is a major cause of occupational disease, and they add significant cost to businesses but, more important and unfortunately, put workers in this province at serious risk.

We sympathize with any worker who has been exposed and suffers from a workplace injury, and our government is committed to working with workers to see that they are treated fairly and ensure that they are compensated fairly. There are avenues individuals have that, if they have concerns about WSIB, they have that opportunity to communicate directly through to the WSIB.

**Mr. Hampton:** I asked the question of the Premier because this is a situation which I think tells us a lot about how sad and how serious some of these conditions are. Many of the workers who worked in this project are now dead. Others are seriously and chronically ill and probably will never be able to work again.

Jim Vandermeer of Dryden hasn't been able to work for two years because of the injuries suffered at this work site. Mr. Vandermeer suffers from neurological damage, nerve damage, a lack of stamina, shortness of breath and fatigue. He's been to neurologists, neuropsychologists and other specialists, who all confirm his injuries and confirm the relationship to the workplace, but this week the WSIB said that these specialists weren't acceptable. He now has to go and see WSIB doctors. Tell me, Minister and Premier, how long do these workers have to wait? How much do they have to suffer before they get the justice they deserve?

**Hon. Mr. Peters:** This government sympathizes with any worker or any family that has suffered as a result of

any sort of disease, including occupational disease. It's my understanding that many of these employees have contacted the Occupational Health Clinics for Ontario Workers, and these clinics are working with these workers.

As well, there are avenues through the WSIB that these individuals can take, and I would just say to the honourable member that there is some talk that out of frustration a protest will be taking place in Thunder Bay, and that the suggested action of gassing animals is not appropriate. I would ask that the honourable leader of the third party stand up with me and say to those individuals that yes, they have a right to protest, but that endangering the life of an animal is not appropriate.

### EMPLOYMENT SUPPORTS

**Mr. Wayne Arthurs (Pickering–Ajax–Uxbridge):** My question today is to the Minister of Community and Social Services, but I'd like to begin by congratulating the minister on her new portfolio. We have a common background in part. Municipally, both of us, in different jurisdictions, served on social service and health-related committees. So I understand the challenges that she's faced with and I know that, with her background and experience, she's up to the challenge of a very complex portfolio.

Minister, my constituents were extremely pleased to see the government make yet another significant commitment to the vulnerable within our communities in our recent budget by increasing our social assistance rates by some 2%. That relates to some 5% since our government formed office—after 12 years in which it was totally neglected. We recognize the rate increase will help those living on social assistance.

Your ministry also, though, is actively helping people on social assistance find work and helping them to get the necessary job skills to find permanent jobs through programs such as Jobs Now. Minister, can you tell the members of this House why Jobs Now is an important program for those trying to make it off social assistance?

**Hon. Madeleine Meilleur (Minister of Community and Social Services, minister responsible for francophone affairs):** Thank you very much for the question; to the member for Pickering–Ajax–Uxbridge. I know that in his former position as the mayor of Pickering, he has had to deal in the past with this very serious issue. So I am pleased to be able to tell you about our Jobs Now program and how important this pilot project is for those trying to leave social assistance.

We know that it is beneficial to all of us when people move into steady jobs and off social assistance. People on social assistance want to work and want to become financially independent from welfare. Jobs Now offers people, the clients, the personalized support they need for up to 18 months. That's the secret of that program.



## PETITIONS

### OPTOMETRISTS

**Mr. John O'Toole (Durham):** I have petitions from the riding of Durham which I'd like to put on my desk here.

"Whereas the last funding agreement between the Ministry of Health and Long-Term Care and the Ontario Association of Optometrists (OAO) expired March 31, 2000; and

"Whereas the optometric fees for OHIP-insured services remain unchanged since 1989; and

"Whereas the lack of any fee increase for 15 years has created a crisis situation for optometrists; and

"Whereas fees for OHIP services do not provide for fair or reasonable compensation for the professional services of optometrists, in that they no longer cover the costs of providing eye examinations; and

"Whereas it is in the best interests of patients and the government to have a new funding agreement for insured services that will ensure that the most vulnerable members of society are able to receive the eye care they need;" when they need it,

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ministry of Health and Long-Term Care," George Smitherman, "resume negotiations immediately with the OAO and appoint a mediator to help with the negotiation process in order to ensure that optometrists can continue to provide quality eye care services to patients in Ontario."

I'm pleased to support this, and Dr. Kahn and others, who are extremely professional individuals.

### AUTISM SERVICES

**Ms. Shelley Martel (Nickel Belt):** I have a petition addressed to the Legislative Assembly of Ontario which reads as follows:

"Whereas the incidence of autism spectrum disorders has dramatically increased in recent years and Ontario's schools lack the required resources to accommodate this growing number of pupils; and

"Whereas children with ASDs are capable of academic success when they have appropriate support; and

"Whereas under the Education Act of Ontario, children with ASDs are legally entitled to receive appropriate special education programs and services; and

"Whereas many ASD pupils are denied their education rights and are suffering academically, socially and emotionally because of a lack of resources available to assist them with their disability-related needs; and

"Whereas the resources required to accommodate ASD pupils may include (but are not limited to) educational assessments; educational assistants; specialized personnel such as behavioural therapists, speech and language pathologists, and occupational therapists; special-

ized programs and curriculum (including social skills and life skills); transitional programs; and assistive technology;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"(1) Increase funding for special education, and ensure that this funding reaches ASD pupils to meet their disability-related learning needs;

"(2) Develop educational best practices and pilot projects for educating children with ASDs so that every student with ASD across Ontario has access to the best possible programs and services."

This petition was sent to me by Michelle Dewar of Ottawa. I want to thank her for sending it to me. I agree with the petitioners and I affix my signature to this.

### PUBLIC TRANSIT

**Mr. Mario G. Racco (Thornhill):** "To the Legislative Assembly of Ontario:

"Whereas we, the residents of the GTA and York region, recognize the need for a solution to the gridlock problem that plagues our streets;

"Whereas the province of Ontario has invested \$670 million in the Spadina-York subway extension;

"Whereas the federal government must also invest funds in transportation infrastructure for any project to be effective;

"Whereas the federal government has failed to do so;

"We, the undersigned, petition the Legislative Assembly of Ontario to lobby the federal government to support the province's initiative to fight gridlock in southern Ontario by investing in the Spadina-York subway extension."

I support this and I put my signature to it.

### ORGAN DONATION

**Mr. Jerry J. Ouellette (Oshawa):** I have a petition to the Legislative Assembly of Ontario.

"Whereas 1,920 Ontarians are currently on a waiting list for an organ transplant; and

"Whereas the number of Ontarians waiting for an organ transplant has virtually doubled since 1994; and

"Whereas hundreds die every year waiting for an organ transplant; and

"Whereas greater public education and awareness will increase the number of people who sign their organ donor cards and increase the availability of organ transplants for Ontarians; and

"Whereas the private member's bill proposed by Oak Ridges MPP Frank Klees will require every resident 16 years of age and older to complete an organ donation question when applying for or renewing a driver's licence or provincial health card, thereby increasing public awareness of the importance of organ donation while respecting the right of every person to make a personal decision regarding the important issue of organ donation;

"Therefore, be it resolved that we, the undersigned, respectfully petition the Legislative Assembly of Ontario to pass Bill 67, the Organ and Tissue Donation Mandatory Declaration Act, 2006."

As I am supportive of organ donation, I will affix my signature.

1530

#### COMMUNITY MEDIATION

**Mr. Peter Fonseca (Mississauga East):** Petition to the Ontario Legislative Assembly:

"Support Community Mediation

"Whereas many types of civil disputes may be resolved through community mediation delivered by trained mediators, who are volunteers who work with the parties in the dispute; and

"Whereas Inter-Cultural Neighbourhood Social Services established the Peel Community Mediation Service in 1999 with support from the government of Ontario through the Trillium Foundation, the Rotary Club of Mississauga West and the United Way of Peel, and has proven the viability and success of community mediation; and

"Whereas the city of Mississauga and the town of Caledon have endorsed the Peel Community Mediation Service, and law enforcement bodies refer many cases to the Peel Community Mediation Service as an alternative to a court dispute; and

"Whereas court facilities and court time are both scarce and expensive, the cost of community mediation is very small and the extra expense incurred for lack of community mediation in Peel region would be much greater than the small annual cost of funding community mediation;

"Be it therefore resolved that the government of Ontario, through the Ministry of the Attorney General, support and fund the ongoing service delivery of the Peel Community Mediation Service through Inter-Cultural Neighbourhood Social Services."

I affix my signature.

#### DISABLED PERSONS PARKING PERMIT PROGRAM

**Ms. Laurie Scott (Haliburton-Victoria-Brock):** Petitions presented to me by Brian Burnett from Lindsay.

"To the Legislative Assembly of Ontario:

"Whereas there currently exist problems of exposure to theft and the weather when displaying a disabled person parking permit on a motorcycle while parked in a disabled parking space;

"We, the undersigned, petition our members of Parliament to promote the development of a special, fixed permit as proposed by the Bikers Rights Organization, for use by disabled persons who ride or are passengers on motorcycles, even if that requires an amendment to the Highway Traffic Act."

Signed by hundreds of people from my riding.

#### CELLPHONES

**Mr. John O'Toole (Durham):** It's a privilege today to have two petitions on behalf of my constituents as follows:

"To the Legislative Assembly of Ontario:

"Whereas the safe operation of a motor vehicle requires the driver's undivided attention; and

"Whereas research has shown that the operation of devices such as cellphones and other in-car technology detract from a driver's ability to respond and concentrate on the task at hand;"—which is driving—"and

"Whereas more than 30 jurisdictions around the world have already passed legislation to restrict the use of cellphones while driving; and

"Whereas Durham MPP John O'Toole has introduced a private member's bill that would, if enacted, enact regulations, raise awareness and gather data on distracted driving;

"Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows: That the Legislative Assembly of Ontario support Bill 68, Highway Traffic Amendment Act (Cellular Phones), 2006" and immediately call it before the estimates standing committee of the provincial Legislature.

I'm pleased to sign this on behalf of my constituents, and of course on behalf of myself.

#### OPTOMETRISTS

**Mr. Jerry J. Ouellette (Oshawa):** I have a petition that reads:

"To the Legislative Assembly of Ontario:

"Whereas the last funding agreement between the Ministry of Health and Long-Term Care and the Ontario Association of Optometrists (OAO) expired March 31, 2000; and

"Whereas the optometric fees for OHIP-insured services remain unchanged since 1989; and

"Whereas the lack of any fee increase for 15 years has created a crisis situation for optometrists; and

"Whereas fees for OHIP services do not provide for fair or reasonable compensation for the professional services of optometrists, in that they no longer cover the costs of providing eye examinations; and

"Whereas it is in the best interests of patients and the government to have a new funding agreement for insured services that will ensure that the most vulnerable members of society are able to receive the eye care they need;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ministry of Health and Long-Term Care resume negotiations immediately with the OAO and appoint a mediator to help with the negotiation process in order to ensure that optometrists can continue to provide quality eye care services to patients in Ontario."

I affix my signature.



### CRIME PREVENTION

**Mr. Lorenzo Berardinetti (Scarborough Southwest):** I have a petition that's addressed to the Legislative Assembly of Ontario and reads as follows:

"Whereas gun violence has been on the rise in the province of Ontario over the past year;

"Whereas such violence has had a devastating effect on communities across this province;

"Whereas this propensity towards gun violence is born largely out of neglect and abandonment on the part of previous governments toward youth and the issues and concerns they face;

"Whereas programs supporting youth such as employment and recreation are essential in diverting youth from pursuing and embracing a culture of crime;

"Whereas we applaud Premier Dalton McGuinty for his quick response to this issue by immediately meeting with members of affected community groups and committing the government of Ontario to action;

"We, the undersigned, petition the Legislative Assembly of Ontario to request that the government of Ontario, as part of its strategy to deal with gun violence, restore and fund more programs that fund initiatives that empower youth like employment and recreation."

I agree with the contents of this petition, affix my signature to it and give it to Page Haakim, who's with me here today.

### JUSTICE SYSTEM

**Mr. John O'Toole (Durham):** I have another petition to represent the views of my constituents here at petition time. I've presenting this before, but there's been no response to date.

"In-Depth Investigation of Judicial System

"To the Legislative Assembly of Ontario:

"Whereas the Honourable Michael Bryant, Attorney General of Ontario, is elected to safeguard our justice system on behalf of the people of Ontario;

"Whereas the Ministry of the Attorney General may not be aware of the serious and important issues facing individuals involved in areas of the justice system even though the Attorney General's ministry is continually monitoring" the system;

"Therefore we, the undersigned, ask the Honourable Michael Bryant, Attorney General, for his in-depth investigation and findings of the Ontario judicial system and make the public of his findings immediately."

I am pleased to support this and present it on behalf of Steve Spence, Fred Finlayson, Orv Holland and others in my riding.

### MACULAR DEGENERATION

**Mr. Bob Delaney (Mississauga West):** I have a petition to the Legislative Assembly of Ontario, and I join with my seat mate, the member for Niagara Falls, in presenting it. It reads as follows:

"Whereas the government of Ontario's health insurance plan covers treatments for one form of macular degeneration (wet), there are other forms of macular degeneration (dry) that are not covered,

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"There are thousands of Ontarians who suffer from macular degeneration, resulting in loss of sight if treatment is not pursued. Treatment costs for this disease are astronomical for most" people "and add a financial burden to their lives. Their only alternative is loss of sight. We believe the government of Ontario should cover treatment for all forms of macular degeneration through the Ontario health insurance program."

I'm pleased to sign this petition and to ask Page Haakim to carry it for me.

### ORGAN DONATION

**Mrs. Elizabeth Witmer (Kitchener-Waterloo):** I have a petition to the Legislative Assembly of Ontario:

"Whereas 1,920 Ontarians are currently on a waiting list for an organ transplant; and

"Whereas the number of Ontarians waiting for an organ transplant has virtually doubled since 1994; and

"Whereas hundreds die every year waiting for an organ transplant; and

"Whereas greater public education and awareness will increase the number of people who sign their organ donor cards and increase the availability of organ transplants for Ontarians; and

"Whereas the private member's bill proposed by Oak Ridges MPP Frank Klees will require every resident 16 years of age and older to complete an organ donation question when applying for or renewing a driver's licence or provincial health card, thereby increasing public awareness of the importance of organ donation while respecting the right of every person to make a personal decision regarding the important issue of organ donation;

"We, the undersigned, petition the Legislative Assembly of Ontario to pass Bill 67, the Organ and Tissue Donation Mandatory Declaration Act, 2006."

I have affixed my signature.

1540

### CRIME PREVENTION

**Mr. Lorenzo Berardinetti (Scarborough Southwest):** I have a petition with three pages of signatures, prepared by residents of Fir Valley in my riding. It reads:

"To the Legislative Assembly of Ontario:

"Whereas gun violence has been on the rise in the province of Ontario over the past year;

"Whereas such violence has had a devastating effect on communities across this province;

"Whereas this propensity toward gun violence is born largely out of neglect and abandonment on the part of previous governments toward youth and the issues and concerns they face;

"Whereas programs supporting youth such as employment and recreation are essential in diverting youth from pursuing and embracing a culture of crime;

"Whereas we applaud Premier Dalton McGuinty for his quick response to this issue by immediately meeting with members of affected community groups and committing the government of Ontario to action;

"We, the undersigned, petition the Legislative Assembly of Ontario to request that the government of Ontario, as part of its strategy to deal with gun violence, restore and fund more programs that fund initiatives that empower youth like employment and recreation."

I agree with this petition. I affix my signature to it and give it to page Gennaro, who is with me here today.

## BUSINESS OF THE HOUSE

**Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader):** On a point of order, Mr. Speaker: I want to rise, pursuant to standing order 55, and give the House the business for next week.

On Monday, May 1, in the afternoon, second reading of Bill 104, the Greater Toronto Transportation Authority Act; in the evening, second reading of Bill 81, the Budget Measures Act.

On Tuesday, May 2, in the afternoon, second reading of Bill 11, the Provincial Parks and Conservation Reserves Act; and in the evening, to be confirmed.

On Wednesday, May 3, in the afternoon, opposition day from the official opposition; in the evening, second reading of Bill 43, the Clean Water Act.

On Thursday, May 4, in the afternoon, second reading of Bill 104, the Greater Toronto Transportation Authority Act.

## ORDERS OF THE DAY

### TRANSPARENT DRUG SYSTEM FOR PATIENTS ACT, 2006

### LOI DE 2006 SUR UN RÉGIME DE MÉDICAMENTS TRANSPARENT POUR LES PATIENTS

Resuming the debate adjourned on April 25, 2006, on the motion for second reading of Bill 102, An Act to amend the Drug Interchangeability and Dispensing Fee Act and the Ontario Drug Benefit Act / Projet de loi 102, Loi modifiant la Loi sur l'interchangeabilité des médicaments et les honoraires de préparation et la Loi sur le régime de médicaments de l'Ontario.

**The Acting Speaker (Mr. Joseph N. Tascona):** Time for debate. The Chair recognizes the member for Kitchener–Waterloo.

**Mrs. Elizabeth Witmer (Kitchener–Waterloo):** I'm pleased to continue with the presentation that I had begun

on Tuesday of this week, April 25. I have to say that in the interim we have continued to receive more and more letters, e-mails, faxes and phone calls from individuals in this province who have had more time to analyze Bill 102, the new drug reform bill, and who are expressing concerns. In fact, I would say the level of concern is growing each day.

Certainly, it has become abundantly clear that this bill is all about cost containment. That is the centre of this new drug reform bill, and at the end of the day, despite the fact that the government has raised expectations, particularly for patients, about the fact that they're going to have increased access to drugs, particularly innovative new drugs, and that this bill is going to result in better patient outcomes, the opposite continues to be true as people continue to analyze this bill.

There's also growing concern about the economic impact of this legislation, the impact it's going to have on the innovation and research sector in this province. Again, we've heard from people who are concerned about their jobs. There is the potential for many high-paying jobs to be lost for people in the province of Ontario.

I would say that the largest area of growing concern is probably from patient groups and patients themselves, who have now recognized that there isn't going to be improved patient access or better patient outcomes.

The other group that is very, very concerned is pharmacists. By far the greatest number of communications in the last two days have come from individuals, in particular independent pharmacists, who are very concerned that the government, not having done any economic impact study, has now introduced a bill which will cause many of them to go bankrupt and be forced to abandon the pharmacies that they have established. It will be particularly, they believe, hard-hitting and negative for people in rural and northern Ontario.

I'm going to continue today; I was talking about interchangeability the other day. Again, we're hearing concerns from stakeholders about the implications of the terminology. They're concerned if this means that the government is going to be opening the door for things like therapeutic substitution.

In fact there was an Rx&D statement issued on April 13, 2006, from Russell Williams, the president, where he says, "It is imperative that patients have access to the therapies that work best for them. Imposing substitution of medicines and thus limiting the physician's ability to prescribe what they know is best, is contrary to optimal health outcomes for patients. As we understand the plan, this is of concern to us."

There's also concern about the change of the requirement that generics, which were required to be the same, now only have to be similar.

This of course raises concerns about drug efficacy. As we know and as has been pointed out to us by stakeholders, people react differently to different drugs. The confidence we have in generics today is because we know they're identical in every way to the original brand



name product. But under this reform package that changes.

There is concern, and questions have been raised about what happens if a pharmacist decides to substitute a generic product in tablet form for a brand product in capsule form and that product doesn't work for the patient. Can doctors insist that brands be given? Can pharmacists override doctors' prescriptions? Who pays the difference between the generic and the brand in that case?

There are many, many questions that are left unanswered about the impact of this legislation as it deals with this whole issue of interchangeability.

The minister of course has added to the confusion, because he said on April 13, 2006, that all patients will continue to receive the drugs they currently receive. Yet people have said that the entire purpose of Bill 102 seems to be to allow the switching of patients' drugs in order to save money. They don't see anything here in the bill that would provide or require grandfathering that any patient would continue to have access to the same drugs, which the minister's statement suggests they would have. What is there here to protect patients that would enable them to continue to receive the drugs that they currently receive? Certainly there's nothing here in the bill that would suggest that that would be happening. In fact it appears, and this is another concern expressed by our stakeholders, that for the first time the government will be allowed to force seniors to switch one brand name drug to a completely different one simply because it is cheaper, even if they have not been approved as interchangeable by Health Canada.

We're starting to hear concerns from patient groups about this issue. Judy Cutler from CARP has said that CARP supports the new drug strategy in principle. However, they do have some concerns. They believe that substitution must not mean that Ontarians will be given the cheapest drug in a family of drugs rather than the most effective one for that patient. They're also concerned that, obviously, more and more expensive drugs are going to be delisted. They also have expressed concern that any therapeutic substitution should be grandfathered, so that patients are not switched from one drug to another. They say that doctors' prescriptions for specific drugs must be honoured; they say they are the people who know what is appropriate for the patients' overall well-being. They also question what "conditional use" means.

They go on, and we're hearing this from other people as well—they are recommending that Minister Smitherman slow down the process of the strategy to ensure that Ontarians get the best treatment and know what they are getting into.

1550

Of course, other people are demanding as well that the government take a look at the implications and do an impact study on the consequences of this legislation, which overhauls the Ontario drug system and is expected, according to the analysis that we're receiving, to have

some very negative repercussions for patients. As you know, the people never had an opportunity to respond or be consulted on the actual content of the bill.

I want to talk a little bit about rebates. The government said they are outlawing rebates. But again, people are saying there's a lot of confusion. They're saying, "What exactly is a rebate and what is not?" In fact, McMillan Binch Mendelsohn put out a health bulletin. In their analysis of the bill, they say, "The bill defines prohibited rebates to include money, discounts, refunds, trips, free goods and any other prescribed benefits. Discounts offered in the ordinary course of business for prompt payment are not rebates." Then they go on to say that perhaps the regulations "may well explain exactly what else will not fall within 'rebate's' fairly broad definition."

The question being asked is, will there be rebates or will there not? The minister says there will not be, but when people start to do an analysis of the legislation, they're not so sure that that will not indeed happen. But again, nobody knows what the definition will be.

The other impact of eliminating rebates, as the minister says he's going to do, is the economic impact that this may have on independently operated pharmacies. Here we are hearing growing concern. This is where we are receiving so much more communication each day from independent and small-chain pharmacies and pharmacists. They are very, very worried about the impact of the changed situation in the province of Ontario. In fact, one pharmacy decided that they should give us a look at their books, just to show us what the impact was going to be on their bottom line if the bill, as presently worded, is introduced. They showed us how the proposed changes were going to impact their financial structure. It was going to create a situation where it would force them to reduce access to the pharmacy. It would increase the wait times for patients to have their prescriptions filled, and it would decrease the access for patients to certain products because the pharmacies will no longer be able to carry the unique and more expensive products that patients need. They also went on to say that, and we took a look at their books, many of the pharmacies which were going to be in a similar situation to theirs would be forced to close their doors to patients altogether.

This government has not done an economic impact study of how this bill is going to impact those individuals and those small independent pharmacies, and obviously that needs to be done. Pharmacists are an important partner in the delivery of primary care health services. The plan is that they would become part of the family health teams. They are an essential service in communities across the province and, of course, they also support our hospitals.

CIBC World Markets equity research also had a company update. They have expressed concern about the implications of the Ontario drug benefit plan, specifically the elimination of the rebates on pharmacists. This is what they say:



"Eliminating rebates on generic drugs paid to pharmacists is a negative that is endemic to independent pharmacists. Educational fees or training support will be restructured into more formalized cost and service agreements. Again chains with size and leverage will be most successful. As structured, this bill provides no incentives for pharmacists to help reduce health care costs by counselling, advising and/or promoting generics. As structured, this bill not only contains no incentives; it could also be a blow to drugstores, in particular the mom-and-pop operations."

I want to read one of the letters that I have received from pharmacists who are concerned. This one is from John Furtado on Bloor Street, here in Etobicoke. He says:

"We are small pharmacy owners in this province. We are writing to ask you to ... reconsider your proposed Bill 102. We take exception to you demonizing pharmacies in your statement at the first reading, and particularly your suggestion that pharmacies are to blame for the lack of funds in the health care system. We take exception to your suggestion that pharmacies and pharmacists are profit-makers and are somehow cheating the government by receiving rebates from generic manufacturers. We take exception to your suggestion that you have considered the interests of pharmacies and the services we (particularly small community pharmacists) provide to our patients."

He goes on to say, "We are health professionals first and foremost. We look after our patients on an individual basis." He goes on to say that they need to be "compensated fairly for the services we provide" in order that they can "feed our families."

He talks about how they have done everything possible to stay in business. They've waived the \$2 co-payment fee to lower their prices. They've done everything. Now they stand in a position where they may be forced to go out of business.

He concludes by saying, "This ... Bill 102, as it stands, will result with most independent pharmacies not being able to make its bottom line, forcing them to close." So that's the type of concern we're hearing from individuals.

I would urge the government to keep in mind the integral and important role that pharmacists in Ontario play in the delivery of primary health care services. They need to do an impact study. They need to ensure that pharmacists continue to be compensated fairly. The government may wish to consider using this new pharmacy council, which they say they're going to set up but it's nowhere in the legislation, to take a look at what would be adequate reimbursement. Anyway, there is a lot of concern.

The minister said that they're going to spend more money on drugs each and every year—he said that on April 22—but if you take a look at the estimates released by the minister, they're going to cut them by \$13 million this year.

What about the principles in the bill? If you take a look at the principles in the bill, while we are supportive of principles of good governance in this bill, there cer-

tainly remain questions about the government's priority when it comes to the bill. Again, there's nothing in here about optimal patient outcomes or the health and wellness of Ontarians as a principle of the new act. Instead, three of the five principles talk about money. So one wonders if the people are right and this bill really is all about cost-containment and really not much interested in optimal patient outcomes or the health and wellness of Ontarians.

By the way, no one can criticize the principles of good governance, especially for a system that spends over \$3 billion of taxpayers' money each year.

I now want to move to what we have heard is a big concern for people in Ontario, and that is the powers that have been given to the new executive officer, powers that we now see are sweeping, unprecedented and unfettered.

#### 1600

There is growing concern about the extraordinary powers that have been transferred from cabinet to the proposed new executive officer, with no compensatory transfer of the requisite accountability, oversight or appeal mechanism that should be provided for. Furthermore, the government has not established any criteria for this person's selection, and yet this person will, through the amendments, assume nearly all responsibility for the drug system, responsibilities, by the way, that currently reside with the Minister of Health and Long-Term Care.

It's interesting. The minister has stated that the drug approval system has been cloaked in science for too long. He said, I think in the initial introduction of the bill, that he really doesn't want a pharmacist or a physician to fill the position, and yet this is the person who has all the power and who is going to be making decisions that obviously should be based in science about such things as interchangeability. It's been suggested to us that instead of science, it appears the drug system and decision-making in the future, while it is not cloaked in science, may now be cloaked in politics. This whole issue around the Drug System Secretariat, the work done by the secretariat, has been shrouded in secrecy in the past.

Let's take a look at some of the powers of this proposed executive director. The government likes to point out that there's nothing different between this individual and the director at OHIP. I would like to point out to those on the government side who use this argument that in fact some of the powers and some of the functions of the new executive director are far different than any powers that are exercised at OHIP. For example, the director at OHIP, who deals with OHIP services, does not have the unilateral authority or ability to delist OHIP services. These decisions are usually made by cabinet. The director of OHIP doesn't have the unilateral ability to add services to the schedule of benefits. That's the responsibility of the cabinet. The director at OHIP doesn't have the ability to unilaterally determine a fee schedule, either for the physicians or for the health care providers who depend on OHIP. That usually occurs in conjunction with the OMA through negotiations, and it is ratified by cabinet.



For the government to maintain that this is the same as the director at OHIP—this bears no resemblance whatsoever. This individual is going to be given unprecedented power to make decisions. This individual is going to have unilateral power to enter into agreements with drug companies on pricing. This individual is basically going to have not just power, but this individual is not going to be a bureaucrat; it is going to be a political appointment, an individual who is appointed through an OIC.

So throughout the province of Ontario, there is widespread concern about the unprecedented powers of this new position that is being created in this legislation.

Another area of concern is this whole area of the former section 8. What does it really mean? People are relieved, particularly physicians, to see section 8 go, but does the new section simply mean that the same thing is going to happen?

“Section 8 is to be replaced by a new program called ‘conditional listing,’ coupled with an ‘exceptional access mechanism.’ Limited-use drugs are to be reviewed with the aim of moving them to either the conditional listing category or general benefits.” But you know what? Nobody knows what the conditional listing program will look like; it’s not in the legislation. Yet the government claims that the result will be less paperwork for physicians. They say that the exceptional access mechanism will fulfill the original mandate of section 8, that is, to provide the means to access unlisted drugs in special circumstances.

Although the elimination of section 8 and limited use is welcome news, I know that the physicians in this province, particularly the OMA, are going to be looking very carefully in order to ensure that the replacement program in this bill is not merely a name change. I know that the OMA said in their recent newsletter that they’re going to monitor the government’s plans for changes in its rules for interchangeability. “At present, the Ontario rules for generic substitution are very tight,” they say, “and it appears the government intends to loosen them.” They have also said that they will be seeking to ensure that physicians can rely upon the fact that dispensing pharmacists will not substitute the medication they ordered for a product that is deemed “similar.” Again, there is concern on the part of those individuals as well.

I want to go back to the whole issue of delisting and the power that was given to the executive officer, because if we take a look at section 20, the minister has said, “And if a drug is not approved, we’ll tell both patients and manufacturers why—quickly and honestly.” He said that on April 13, 2006. However, section 20 allows the executive officer to delist a drug for any reason. What it does not state is that the government must publicly explain their decision. What the minister has said and what is in the bill are two different things. There is no requirement right now to explain any decision to patients and manufacturers, and there’s no responsibility at all to do so quickly and honestly. Where is the accountability that the government talks about?

We see other areas where what the minister says and what the legislation says are two different things. The minister said in the April 13 news release this year, “There will be no change whatever so to benefits, to co-payments, to deductibles, or to eligibility for Ontario drug program recipients.” Section 23 is clear, however: “The operator may charge or accept payment from a person other than the executive officer in an amount equal to the sum of,

“(a) the amount the executive officer would have paid under this act, absent the criteria; and

“(b) the amount the operator could have charged under this act, absent the criteria.”

In addition we have heard from pharmacists who are wondering how they will be able to avoid charging co-payments that are currently being waived when this bill comes into effect.

There is a lot of difference between what’s been said on the date of the introduction of the bill and what is actually contained within the legislation, which I would say is not much; it doesn’t give much confidence to people that some of the rhetoric on the day of introduction is actually going to be seen in reality.

There’s also concern about the partnership agreements and competitive agreements for brand drugs. How will providing market access agreements to manufacturers increase the availability of drugs? We have been asked this question. If two companies each produce a drug that treats the same condition and one company is awarded an exclusive contract with the government, what happens to the company that is shut out of the marketplace? Will Ontarians be denied access to the drug? Nobody knows at this point in time. Also a question being asked: As prices are negotiated downwards, what will this mean for pharmacies that see reduced revenues as a result of the markups? Again, we don’t have an answer.

**1610**

In fact, there are a lot of answers that we do not have, but there is a lot of concern. There is concern that patients are going to be paying more but have less choice. There is concern that if patients want a different drug, they will have to pay the whole cost of that different drug themselves. There is concern that patients are going to be forced to choose between a few drugs covered by the government drug plan, even if those drugs don’t work for them.

There is a concern certainly about these new agreements. Does it mean that the government is going to have a monopoly on who supplies Ontario with medication? Will there continue to be competition? What kind of transparency measures are going to be in place as this proposed executive officer makes these deals with the drug company? Will the public be told how company A got a listing and company B did not? Also, what about the deals that the company may have given the government in order to get the agreement?

I’ve mentioned the fact that there’s huge concern about the change to the pharmacy reimbursement structure. We applaud the increase to the dispensing fee. How-



ever, we know that it does not accurately reflect the cost of dispensing. I've said before, and we continue to hear from the pharmacists, that this could threaten the viability of independent, small-town pharmacies in particular, but also others.

I want to ask the question again: Has the government ever costed the implications of this bill on pharmacies in the province of Ontario? If they have, they should be honest. They talk about transparency. They should table the estimates with people in the province because, right now, they're raising a lot of concern.

When we take a look at dispensing costs, you're going to give the pharmacist \$7; the costs are closer to \$10. So the increase that we see today isn't going to reflect the true costs of dispensing in the province.

I would also ask the government: If you've done an impact study and looked at the fact that pharmacists are going to go out of business, what is your contingency plan? How are you going to ensure that people in the province of Ontario continue to have access to their pharmacist, who, I have said before, is a key member of the primary health care team? These are all questions that must be answered.

I'm pleased to see that pharmacists are going to be paid for their professional services. This is a change that our government supported. They have been performing a med-management role, and I would agree that it is time that they're compensated. However, if they're going to be practising in pharmacies that are going to be negatively affected by other changes in the reform package, such as the rebates, then what good is it going to do to pay them for professional services when they don't have a pharmacy left to perform those services in? That's what we're hearing: that this plan is not balanced. I'll say it one more time. It can, and they're telling us it will, result in reduced patient access to pharmacy services as some of these businesses are going to be forced to close their doors because they simply cannot make ends meet, and probably the hardest-hit areas are rural and northern communities, where they already lack access to doctors and other primary care providers as well.

So there is concern that this well may be—I quote from a letter I received—“the beginning of the possible extinction of retail pharmacy as we know it today.” They say that the new act will mean fewer pharmacies are going to be able to survive. And I just want to tell you this: There will be less availability of drugs within the pharmacy since they simply are not going to be able to afford to keep a large inventory. So that's an impact.

They have a message for the government. They have questions for the government. They're asking you this: How did the government derive the numbers, given that it is widely accepted that it costs more than \$10 to provide a prescription to a patient? How did the government conclude that a \$25 cap on markup could be sustainable when they know that this will jeopardize the ability of pharmacies to provide high-cost medications to patients because the cap will not cover the costs of stocking these medications? Has the government considered

the impact on sensitive patient groups: for example, those suffering from HIV/AIDS, cancer, rheumatoid arthritis, multiple sclerosis and Crohn's disease? I would hope that the government will very seriously consider this whole issue of pharmacy reimbursement and the possible impact it can have on fewer pharmacies and pharmacists available to the people of Ontario in the future.

Let's turn to conditional listing, the exceptional access mechanism. The minister raised expectations that new, innovative drugs like Velcade and Fabrazyme were going to be funded. We hope that's going to be true, because there are many people who desperately need these drugs. But people are already becoming skeptical. In the *Observer*, the Sarnia paper, on Saturday April 15, Darren Nesbitt, a man who has been fighting this province to approve an expensive treatment for a rare genetic disorder that he suffers from, already is expressing some concern about the impact of this new drug reform bill. He says at this time, “I feel more loyalty to this drug company than to my own government.” He said that if the plan does speed up the approval process, he's all for it. But he is concerned that it's not going to have the impact that the government says it will.

Again, there's a concern about breakthrough drugs. What's the process? What's the definition? What's the rapid review? Without knowing what the process is, without knowing the definition, there's concern that it's not going to make much difference and there aren't going to be any new products, or very few, in the marketplace. They're concerned. We have heard from patient groups that incremental medicines might not be in any position to be more readily available in the future as well. We need to see definition. We need to see a process. It's simply not there.

Then we have the innovation fund. This is a very weak attempt to make up for the massive cuts to revenue and market share that the manufacturers are going to suffer under this drug package. The Premier talks about being the innovation and research Premier, even though he saw his own budget numbers cut back this year. Even though he went to Chicago and said that this is a place to invest in Ontario if you want to invest in innovation, well, within hours of his making that statement in Chicago, the minister closed the door to innovation by introducing this bill. It doesn't take into consideration the need for research and development in this province and the need for a balanced approach.

The bill we have before us could well translate into job loss. In fact, today, Paul Lucas, president and CEO of GlaxoSmithKline, said, “If this bill moves forward as is, pill hill will disappear. Might not be next year, you might not read about it in the papers, but make no mistake, the investments will go elsewhere,” to places like Singapore, Ireland, China, the US, India and Quebec. Well, ladies and gentlemen, I think you can see that there is growing concern amongst all stakeholders in the province of Ontario, whether it is the individual patient, the pharmacist or the pharmacies or whether it is those people who engage in innovation and research.



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Unrealistic expectations have been raised that this is going to improve access to drugs and it's going to improve patient outcomes. Instead, we're seeing a bill that is really all about cost containment. I don't deny that we have to contain the costs in this budget area, but the government needs to be truthful when it comes forward with this bill and not raise unrealistic expectations that they simply have no means to achieve.

There's also growing concern about the unprecedented powers that are being transferred from cabinet to the proposed executive officer position and the fact that there's no compensatory transfer of accountability, oversight or appeal mechanism.

There's also concern, again, about the impact—I will say it just one more time—on research and innovation in this province. Research and innovation create many high-paying jobs. Contrary to what the Premier of this province professes that he wants to see happen, this bill closes the door to that area. Certainly we have quotes demonstrating that that could happen.

I would just say that we have pharmacists in this province to whom, because no economic impact study has been done as far as what this bill says is going to happen, it means that their future economic viability is going to be put at risk, and it probably is going to hit the independent operators especially hard.

I hope the government will allow for significant consultation, real consultation, on the recommendations contained in this bill. I hope they will do the economic impact study. What does this mean for Ontario? What does it mean to introduce all of these initiatives, all of these reforms, if at the end of the day people have less access to drugs, particularly innovative drugs, in the province and if they have less choice? This bill without consultation could have the potential to have very devastating consequences for everyone in this province.

**The Acting Speaker:** It's time for questions and comments.

**Mr. Michael Prue (Beaches–East York):** I listened intently, I can't say to the whole speech because I didn't hear the first 20 minutes, but the last 40 minutes were quite detailed. Mrs. Witmer, the member from Kitchener–Waterloo, is to be commended for her dogged determination to follow this file. If anyone other than my colleague from Nickel Belt follows this government file more closely I would be very surprised. I think the two of them do a remarkable job.

I'd just like to zero in, in the minute and a half or so that I have, on the comments she made particularly around the issues of pharmacies. I will have an opportunity myself to speak on this in a few minutes. But if there is one real telling point in this legislation, if there is one point for which we all need to be just a little bit careful and a little bit circumspect, it is the issue she has raised for the pharmacies. There are a number of small independent pharmacies in this province, mostly in rural communities, mostly where you don't find Rexall and Shoppers Drug Mart and all the other big chains, that are

literally the only people who can dispense medicines in a given community, in small communities for which there is not the market to have the big chains go in there. We need to be very careful to maintain those services within small municipalities and rural places.

If they are to be taken out, as she has suggested, and I have the same and similar fears, then we are in for a lot of difficulties in this province. It is the dispensing, and the careful dispensing, of those drugs which will keep people well. If it is not possible to get the drugs or medications prescribed by a doctor in close proximity, it will entail a great deal of travel or it will entail people not taking the drugs that are so necessary for their well-being. I will deal more with that, but I commend the member for what she had to say today.

**Mr. Tim Peterson (Mississauga South):** It's a privilege to speak to a bill that addresses a transformation of the drug industry that has been asked for for over 20 years. Other people have attempted to do it, and yet we are doing it.

The member speaking on behalf of the official opposition says pharmacy costs for dispensing are \$10. We don't have any information to indicate that is the cost, but we would appreciate her helping us with that information because she is tabling that number.

We are increasing the cost to \$7 for pharmacists because, to us, the small pharmacists, especially in the smaller communities, are not only a backbone of the community but also a backbone of health care, and we want to keep them in an upfront role there.

I must say that Mr. Marc Kealey of the Ontario Pharmacists' Association has been a very strong advocate that these people can play a pivotal role in health care in Ontario, and should be allowed to do so and rewarded for so doing.

Under our system, we will protect pharmacists from price increases. Right now, if the drug manufacturers put through a price increase, the pharmacist would have to eat it because the government would not reimburse them for the increase in cost. So we are protecting pharmacists in that regard. Also, we'll be putting through a fee code so that the pharmacists who render services to the public can be rewarded for that.

In the last 20 seconds, I'd like to address—yesterday the member attacked Helen Stevenson for being a political appointment. When we reviewed her resumé, we found outstanding credentials, not the least of which was an MBA. We asked her about her political involvement. She said, "Yes, I worked for Bill Davis."

**Mr. Ted Chudleigh (Halton):** I point out to the member that we weren't criticizing her appointment. I think we were criticizing the way it was done in secret, behind closed doors.

I commend the member from Kitchener–Waterloo for putting her finger on the point of this bill. What you see and what you know about this bill generally we all agree with. They want to lower drug costs. Who wouldn't want to do that? That makes great sense, lowering drug costs. But constantly we've seen stories in the paper about



Americans coming across the border to buy drugs in Canada. Canada already has cheap drugs. We have lower-cost drugs than the United States. So now they're going to lower these drug costs even lower. Something just doesn't ring true.

What is there about this bill that we don't see, that we don't know? I appreciate the members opposite—I don't think they've seen it either. I don't think you know any more about this bill than I do. But it doesn't ring true. When our drug costs are already lower than in the United States and people are coming across the border to buy their drugs, and now the government says we're going to lower the cost of drugs, what is there about this that doesn't ring true?

It sounds kind of familiar. Then they say that pharmacists are going to be protected, they're going to be fine, they're going to be happy with this. But the pharmacists are all lining up to see me. Tomorrow, my entire morning is full. Every 15 minutes, another pharmacist is coming in to see me. They're very upset about this bill. They say they won't be able to survive. They say all the big chains will take over the pharmacy business, and that's in Halton, which is a relatively high population area. What's going to happen out in the country? What's going to happen in northern Ontario? What's going to happen to the pharmacists in eastern Ontario? People will be driving 50 miles to find a pharmacist.

What is there in this bill that we don't see? Those are the things that are important. Remember eye exams, physiotherapists and chiropractors: We're all paying for those now. Is this going to be the same thing in the pharmacy business?

**Mr. David Zimmer (Willowdale):** We've heard a lot of information and statements. It's important now, as we get to the end of the day, to correct some of the facts. Let me just tell the voters of Ontario, assure them of the following. Look, the changes we are making will in no way mean cuts for patients. Anything you are getting now you will continue to get. That's number one. Number two, the fact is that drug costs have been rising too fast, for too long, and are a threat to the entire public health care system.

What we're doing is making the innovative changes needed to bring costs under control and assure the sustainability of the overall system. The changes we are making are about respecting taxpayers' dollars. We're going to leverage our \$3.5 billion worth of Ontario purchasing power to ensure we get the best value for the money we are spending. The best prices should go to the biggest customer, and that's Ontario. That's a wise use of taxpayers' dollars.

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The money that drug companies spend on research and innovation is money well spent, and we will continue to make sure that they are fairly compensated for those investments.

What we are doing is changing the Ontario drug system to ensure that patients get better access to the drugs they need, that taxpayers get value for the money we

spend and that drug companies are fairly compensated for the money they spend on critical research and innovation. All of those factors are important to maintaining the sustainability of the drug benefits here in Ontario.

The people of Ontario deserve no less. We are going to deliver on this. This is a good piece of legislation.

**The Acting Speaker:** It's time for a response. The Chair recognizes the member from Kitchener-Waterloo.

**Mrs. Witmer:** Let me express my appreciation to the members for Beaches-East York, Mississauga South, Willowdale and Halton. I appreciate their comments.

I just heard the member from Willowdale say that this is all about sustainability. You know what? No one can disagree with the need to ensure the sustainability of the drug system in Ontario. However, if that is the case—and I've said that's really what this bill is all about, cost containment; those two words are pretty well the same—then the government needs to acknowledge that fact and not create unrealistic expectations for people in Ontario that they're going to have greater access, more choice and faster access to innovative drugs than they do today.

As far as the whole issue of markup and prescribing fees, I would draw the members' attention to this pharmacy sustainability report. Since I have been involved with pharmacists, they have let us know time and time again what the prescribing fee should be. In this document dated April 20, it says that the 46-cent fee increase only brings the fee paid by government to 18% below 1996 levels. Indexed for inflation, the new fee should be \$8.21. Based on actual costs of dispensing before profit, the new fee should be closer to \$12.

Folks, we have been given this information time and time again. Obviously, if the minister and the ministry and the government had done the research, if they'd done an impact study, as I had suggested should be done, they would know that what they're proposing is not sustainable for the independent pharmacists in Ontario.

**The Acting Speaker:** It's time for continued debate. The Chair recognizes the member for Beaches-East York.

**Mr. Prue:** Thank you very much, Mr. Speaker. As I rise to speak to this issue today, I'm mindful of how much of these debates I actually hear, like yourself, sitting in that chair. As a New Democrat, with only eight members in the caucus, it would seem that I spend an awful lot of time in this chamber.

I've had an opportunity to hear from the minister; I've had an opportunity to listen to both government and opposition members and what they have had to say on this bill, and I must confess that this is a bit of a daunting bill. When the minister first stood up and started to speak about what was contained in the bill, I have to tell you, I was supportive. I immediately thought, "This is about time. This is what we need to do. This is going to help contain some costs. This is going to end," as he described, "all of the cloudiness and bring some transparency to what is happening. This is maybe going to rein in some of the big multinational drug companies. This is going to help consumers." That was my first



reaction. I must admit, he was the first speaker, and he certainly went a long way to convince me.

Then I started to hear some of the other speakers. As people detailed what went on, it was not quite so clear. I must admit, having had an opportunity to hear speakers from all three parties and to discuss this at length with my colleague the member from Nickel Belt, there are some errors, I would suggest, in this legislation. Although New Democrats are largely supportive of what was contained in the bill, there is sufficient here to cause us to at least, at a very minimum, want to send this to committee. Potentially, there are a couple of sections we think need some major work.

If I may continue, though, one of the first speakers—I admire the member; I've known her for a long time—the member from Don Valley West, stood up, and it wasn't a very long speech, I think just a two-minute hit. She was talking about the way medicine used to be, the way the province used to be, and how she had seen a television show on the life of Joseph Atkinson—better known to most people as one of the founding editors of the *Toronto Star*—and about his crusade to end poverty and to help those who were misfortunate people in Toronto in the 1920s and 1930s, and about how he had done so much and how conditions are so much better in this city than they were at that time. Whereas I have no doubt that he was a man who made a huge contribution to ending poverty, a huge contribution to this city and a huge contribution to health, it made me stop to think about really what has happened in those 85 years or so between 1920 and today.

I am often indebted to my own parents, who grew up downtown in what was then Cabbagetown, what became Regent Park, for knowing what life was like in this city in those circumstances in the 1920s and 1930s. My parents are both alive. They may even be watching this show, and I hope I can recount the way that life was. Life was very brutal, life was very harsh. People often had a hard time keeping jobs. There wasn't much money. People lived amidst a great many problems and a great many diseases.

When I started to think about what she had to say about governments in general doing a lot of things to reform, I must say that I disagree in part, although governments certainly had their place. The conditions of the 1920s and 1930s were changed by many, many factors, not the least of which was the improving economies after the Great Depression. The continuing economies and people getting jobs probably had more to do not only with the end of poverty but with a general health increase than any other factor you can mention.

Even today, we know that people are more likely to be sick, more likely to suffer psychological and psychiatric problems, if they are poor. It is a fact. It is what happens. Poverty just naturally results in that. You are more likely to end up in hospitals, you are more likely to end up with psychiatric problems, you are more likely to need doctors if you are poor than if you are well off.

She went on to talk about other things, and I started to think: What has made the great improvements? One of the great improvements was just simply doing a better job with public health and sanitation. That was done, not by this Legislature, but by the crusading people of the city of Toronto and the first medical officers of health the city put forward.

The decline in industrial accidents—today is the day we were discussing that—has had a huge impact. I go back to my own time as a young man, when my first real, strong summer job was working in a factory called Dunlop's on Queen Street. I've spoken about that in this Legislature before, because in that factory there were men and women walking around with one arm or one leg because one had been taken off in the machinery. There were people who had industrial accidents and, quite frankly, we would be shocked and appalled today to see the kinds of things that went on there.

There was a safety bar on what was called a banbury. The banbury squeezed the rubber down and pushed it through. I wasn't allowed, as a student, to get too close to it because there was no safety mechanism. If your hand went in there, you went through like the rubber. There was nothing to do except turn it off. By the time you turned it off, the guy was through it. It was an awful machine, and they put a safety bar on it so you'd only lose an arm, and that happened about the time that I went in there.

Those were the kinds of things that we experienced as a society and the kinds of things that, thankfully, have changed. The reason that people have better health is because they don't work around and in conditions like that anymore, conditions which I think today would be found to be intolerable. Even within my lifetime, the changes that I see—I don't see places like that, quite frankly, anymore.

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On the whole question about childbirth and mortality of infants, we have done a terrific job as a society. It used to be commonplace for women to die in childbirth, and although, unfortunately, it still happens today, it is becoming increasingly rare. And of the children who are born, so many of them live today who used to die.

The average lifespan is now closing in on 80 years, when it was only in the mid-60s when I was a young man. That's a huge improvement.

Then we come down to surgical procedures and all the wonders of that, and the inoculations. I remember lining up and getting Salk vaccine and all those things in school, and the eradication of smallpox within my lifetime.

Last but not least—sorry to take so long, Mr. Speaker—what the member for Don Valley West was trying to talk about was the wonder of the pharmacies and the wonders of modern medicine. It was not so much the wonders of these pharmacies and modern medicine as I think all those other factors that are related to our lifestyles today, and perhaps the wonderful work of Joseph Atkinson.

It is the pharmacies and medicine, though, that are the subject of this particular bill. When I'm trying to under-



stand why a bill is taking place, why the government is putting it forward, I usually go to the last page. The last page is usually what money it's going to cost or what money is going to be saved. I was not disappointed in this bill, because in the government's own bills and the government's own information that they handed out at the MaRS site, the last page, what was put up, was the savings from the proposed drug system strategy. There it is, all laid out: This is what this bill is supposed to do.

It is not so much, in my view, about looking for better patient care, although maybe some of that is in there. It is not so much about watching the drug companies or making sure that generic drugs can be switched for non-generic drugs. It's not so much about the small-town pharmacist, although that's important and I'm going to get to that. What the government is doing this for is the bottom line, the last page. What they put up at the MaRS project is that they think they are going to save \$289 million if this bill is passed. They outline how that is going to happen. Number one is better management of drug distribution; that's going to save \$53.5 million. Better management of formulary listings: That's going to save \$62.5 million. Better value for government expenditures, including drug listing agreements and better use of drugs: \$106 million. And a federal shared payer model: \$67 million. That's a grand total of \$289 million.

Of course, we all want to try to save money. I don't have any doubt in my mind that the bottom line here is what is driving this agenda: the \$289 million.

Then I try to figure out, "Where is this contained within the body of the bill?" I must admit, even after discussions with my colleague the member from Nickel Belt, there is a very hard time trying to find within the body of the bill from whence these numbers are derived. In fact, they're not contained anywhere within the body, nor could I with any reasonable due diligence find out where the numbers come from. The better management of drug distribution: Where does someone find it? Perhaps some government member will stand up and tell us. Where do you derive the \$53.5 million from this bill on that line item? Where do you derive the better management of formulary listings, \$62.5 million? Where do you get the \$106 million for better value for government expenditures and, last but not least, the \$67 million for the federal shared payer model, which has not been negotiated, and on which this province is not even at the table?

Now, I do know that two provinces have signed on, but this province is not yet at the table. Around this place, it seems to take a long, long time, no matter what government is in power, for deals to be struck with the federal government, no matter which government there is in power. I can think, even here in this Legislature, of the length of time it took—we were the last province to get on board with a child care policy, and by the time we got on board, it was over. We were the last government in Canada to get on board with a policy around immigration. Nine other provinces had signed an agreement with the federal government; we had not. Thankfully this

has happened now, but we were 20 years behind Quebec; we were 20 years after the fact.

Here it says that \$67 million is going to be saved, in their exact words, "by a federal shared payer model." There have been no negotiations or even an attempt to set up negotiations. This is a dream if this government thinks it's going to save \$67 million by passing this piece of legislation and then sitting down with a federal government that is simply going to hand over that money. I would have my very real doubts.

In looking to the bill, it's obviously about money to the government. Yet there's not much science behind the numbers. In some cases, especially with the federal government, I would suggest that it's wishful thinking.

As well, I want to look at the difficulties of this bill. Much has been made about the new "drug czar"; that's been coined by some other member of this Legislature in describing the new appointed member who is going to take over from the bureaucracy. I read this with considerable interest. My colleague from Nickel Belt made some detailed comments on this in her own statement. There were in fact some 10 changes that were going to take place to allow the new drug czar to have considerable power that the bureaucracy has never exercised, and in fact much of which the cabinet heretofore, before this bill, would have exercised and still exercises today. They are:

"(a) to administer the Ontario public drug programs;

"(b) to keep, maintain and publish the formulary;

"(c) to make this act apply in respect of the supplying of drugs that are not listed drug products as provided for in section 16;

"(d) to designate products as listed drug products, listed substances and designated pharmaceutical products for the purposes of this act...;

"(e) to designate products as interchangeable with other products under the Drug Interchangeability and Dispensing Fee Act...;

"(f) to negotiate agreements with manufacturers of drug products...;

"(g) to require any information that may or must be provided to the executive officer under this act..."—that is, to talk to the minister;

"(h) to make payments under the Ontario public drug programs;

"(i) to establish clinical criteria under section 23; and

"(j) to pay operators of pharmacies for professional services, and to determine the amount of such payments subject to the prescribed conditions, if any."

In the past we had a bureaucracy and we had capable people who were trained and who understood the laws of this province, which are sometimes very difficult to understand and can border on the arcane. Now we're going to have a drug czar who's going to be chosen by cabinet at arm's length so that the cabinet will not have to take the kind of political pressure that we often see in this House, I would suggest: political pressure to have new drugs like Velcade and political pressure, which I watched in the last government, in the last Legislature,



around whether or not people would get drugs for myeloma and drugs for when their eyesight was failing and all kinds of stuff. The ministers took considerable heat over whether or not those drugs would be allowed. The minister will be able to stand up and say, "I don't make that decision anymore." This is the drug czar. This is to take the political heat off. I can't see any other purpose for it.

I've got four minutes left. I want to deal with pharmacies. Maybe I've spent too much time talking about other things. The new reality of pharmacies, when you travel across this province, particularly into smaller towns—but I must admit that I see even in Beaches–East York, in some of the non-aligned or non-corporate pharmacies, that most of them are having a very tough time. You can go into those pharmacies and will you see that the actual act of dispensing medications, as prescribed by doctors and as prescribed in the hospitals, is probably not something with which a person can make a decent living.

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When you go into those small pharmacies, you will see that there is very little activity taking place within them. If they are to survive, and I would suggest many of them do everything possible to survive—the one down the street from me has a post office in it. Certainly more people go in to use the post office, and then hopefully will buy their drugs or their pharmaceutical needs there, than go in there for any other purpose, because they don't have the splashy shelves; they don't have the weekly flyer from Shoppers Drug Mart or Rexall or all of these others. They don't have that. They are just small, independent people who dispense drugs as required under the legislation of the province of Ontario and for which they are licensed. If they need to do something else, they might have a post office; they might have another little corner of the store where they will sell aids to help people walk or something. What I see in there is absolutely minimal. They are having a tough time.

I think back to the debate we had here in this Legislature about optometrists. I was surprised to hear, when they were delisted or even before they were delisted, that most of them lose money on being optometrists, actually doing the eye tests. They lose money. The only way they made money was by selling glasses and prescriptions. That is why they all had glasses and frames and prescriptions and did that kind of stuff in their office, because on the actual eye exam for which they are licensed, they lose money. The same is true today in most small pharmacies. Without the post office, without the sales of ancillary products, without making these kinds of deals, most of them would go broke. And most of them, I would suggest, in small towns are going to go broke under this legislation.

I looked at the pharmacies—and in a minute and a half I don't have enough time. They say, and I believe they are correct, that the ODB currently pays only half the professional fee. They say that does not in and of itself provide an adequate market. They say that the pharmacies in turn negotiate better prices through suppliers in

the free market, and that this bill will take away those provisions and will lower their markups from 10% to 8%. They say that the fee increase is inadequate. With inflation, it will be less than what they got in 1996. They say the actual costs are \$12, not \$8.21, which they're going to get if this bill goes through, and that the pharmacy markup actually will be reduced from 10%; 2.4% after the wholesale upcharge is figured in.

#### *Interjections.*

**Mr. Prue:** That's what they say, and they are the ones who are going to be affected. I'm going to listen very carefully to them, and I would suggest that this government not laugh about that but listen to them extensively. I hope that there are some hearings. I hope that the pharmacists come out and explain this in detail and that this government reacts, because we need those health care professionals literally in every community of this province.

Thank you very much, Mr. Speaker, for the time to speak here today, and to my colleagues for listening.

**The Acting Speaker:** Time for questions and comments. The Chair once again recognizes the member for Mississauga South.

**Mr. Peterson:** I was at the luncheon with Mr. Lucas today when he indicated he had concerns that the effect on pricing for the large pharma could be detrimental, long-term, to the pharma industry in Ontario. What I assured him was that he was looking at the pricing only, and that we asked him to also detail for us the information about new drugs that he could bring to the table faster, because this isn't just about the pricing of existing drugs; it's about getting new drugs which can keep people out of our health care system and keep our long-term health care costs lower, getting those faster to consumers, and helping us all out.

They have a drug that they made a proposal to us for, and we were unable to accept a new drug in under the terms of the existing legislation. But under the new legislation, we will be able to work with all the big pharma, like GSK, to get faster approval of their drugs to benefit consumers. We look forward to receiving partnership proposals from not just Paul Lucas and GSK, but all the other big pharma on how we can get better drugs to consumers faster.

I can also tell you that under this new framework for drugs, we are going to have a new committee on which we will have two patients. This is breakthrough mythology, that we would allow patients to sit on these committees as a way of not having cabinet blockage or delay of these important decisions.

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** I'm pleased to rise today to comment on the member from Beaches–East York on Bill 102, An Act to amend the Drug Interchangeability and Dispensing Fee Act and the Ontario Drug Benefit Act.

The member has made some very good points. He was talking about the small independent pharmacies, and certainly in my riding of Haliburton–Victoria–Brock, which is predominantly rural, that's a big concern. We have



small independent pharmacies in our communities, and we want to see them stay and prosper. There are concerns within this bill that are going to affect them. The member from Halton mentioned that there are a lot of pharmacists coming to see him tomorrow. So there's something wrong with the bill in its present form and I think that needs to be addressed. When we go out to committee, as mentioned, we hope those pharmacists come forward to us.

I'm sure the member opposite was mistaken in saying that he wants to help the large pharmacies. We want to help everyone succeed. Don't forget about the small-town pharmacies over in our communities and the innovative measures they've had to take in order to survive.

I'll talk about the drug secretariat and the secrecy that surrounded that. No one is making any comment about the drug secretariat that was appointed, but there was no public announcement of the creation of it, of the mandate, who commented, what stakeholders she listened to to produce the report for the minister. We don't need this to be done in a cloak of secrecy; this is open. We know changes have to be made, but the way they were made, I hope, does not set a precedent for the end conclusion of this bill, in that they're not going to listen to input from the pharmacies and all other interested stakeholders that come before committee.

The interchangeability is also a big concern. Pharmacists have been speaking to me since I was elected about the interchangeability of drugs. Not all patients are going to be able to accept different drugs that are interchanged, so that has to be taken into consideration.

**Mr. Rosario Marchese (Trinity-Spadina):** I congratulate the member from Beaches-East York for raising three or four major issues that have been touched upon by others, including and especially our member from Nickel Belt. I think these issues will come out in the hearings, and they need to.

The member from Beaches-East York talked about the \$289 million of savings that the government claims will be achieved. We don't know whether there are going to be those savings; we have no clue. There is no evidence for it other than a claim that the minister makes. If it were to be true, will those savings be put back into our health care system? The minister claims that will happen. What the member from Nickel Belt said, and the member from Beaches-East York agrees with, is that if it's not in the bill, we don't know whether those savings will go back into our health care system. It would be a simple amendment to include in the bill, which would give us assurances that will indeed happen.

The member also talked about the new drug czar, the new executive officer, who is going to be appointed. As people know, there is someone who has been appointed, Susan Paetkau, who is in charge of the drug programs in the Ministry of Health. This individual has been working at this for a whole year, and all of a sudden we're appointing a new czar to deal with this new power that is going to be in his or her hands, taken away from the minister, taken away from the director's branch in the

Ministry of Health. We think this individual is going to be unaccountable. It will be done in the back rooms, unbeknownst to us—incredible new powers and it has not been explained why we're giving them away to an unaccountable individual. Those issues, and many more, will be raised in this Legislature.

1700

**Mr. Zimmer:** We've been hearing about a lot of the technical aspects of this piece of legislation, but I think it's important to also keep in mind, overall, the big challenge that we're dealing with. Just this afternoon, I happened to be reading in the Atlantic Monthly, a non-partisan magazine, an article on managing health care and the difficulties that all governments are facing. Just let me read a paragraph from this.

"Citizens everywhere desire unrestricted access to state-of-the-art technologies. Increasingly, they insist on choice and control, too." Yet they are struggling, it says, "to pay what those things cost. People demand as a right the best health care money can buy," the best drug plans, "delivered in a way that best suits them, expense be damned. All that, and the price must be affordable.

"Nowhere can this self-contradictory demand be satisfied. Everywhere, therefore, health care presents itself to governments as their most difficult ... challenge."

It goes on to say, and I think this is the point we have to keep in mind, "Such is the sensitivity" of this issue, "though, that only the bravest ... policy-makers" are prepared to "stride up to the issue with a genuine intention to act."

That's what this piece of legislation does. It's a genuine attempt, a brave attempt, to deal with this very, very difficult issue. The fact of the matter is, if we don't manage these costs in the health care system, and particularly in the drug delivery plans, the system will go broke. This minister has taken a brave step. He strode up to the plate and introduced a piece of legislation that deserves to be supported by all parties.

**The Acting Speaker:** Time for a response. The Chair recognizes the member from Beaches-East York.

**Mr. Prue:** I would like to thank the member from Haliburton-Victoria-Brock and the member from Trinity-Spadina—I'll deal with the other two in a minute—as well as the members from Willowdale and Mississauga South.

The member from Haliburton-Victoria-Brock obviously listened to my speech, because she talked about the pharmacists and about some of the things I had to say. The member from Trinity-Spadina talked about the cost savings and what was in my speech, and how this government was bent on that kind of stuff.

But I have to say that I don't think the government listens to the opposition at all. I have never thought that, and it was borne out today by my colleagues here in the House. The member from Mississauga South commented on something about which I had not spoken at all, nor did he comment on any aspect of the speech that I made for 20 minutes, and my colleague from Willowdale did the same. Obviously, they have their own agenda, they have



their own things they want to say, and they are right if they want to say it, but this is, after all, questions and comments on what the previous debater had to say. Obviously they were not listening, and obviously they have another agenda, which is not to listen to the debate in this House and to fine-tune their legislation.

Having said that, this is all about money. When I listened to the member from Willowdale, he finally put, on the end, that it's about money. That is what drives this. It's about the savings of money, to try to give a system that will cost the government less and therefore can be delivered. I thank him for his honesty in having said that. And having said that, we have to question where those savings are going to be. In fact, if those savings are going to actually materialize in the form of some \$289 million, as your government and your minister have seemed to indicate that this legislation is going to provide, then is that \$289 million ultimately going to find itself back into the system, as the minister has stated will happen? Certainly, there is not a single provision or a single line in this act which will force that to happen.

**The Acting Speaker:** Time for further debate. The Chair recognizes the member from Mississauga East.

**Mr. Peter Fonseca (Mississauga East):** It's fair to say this is a difficult file. We have an Ontario drug system that is cumbersome, archaic, frustrating and complex. For too long, former governments have not wanted to tackle the tough issues. This government did the responsible thing. We're working with our partners and our stakeholders to make sure we can bring transparency and improve the Ontario drug system, always with one thing in mind, and that's the patient, always thinking about the patient.

The opposition will speak about how this was brought forward through a cloak of secrecy and darkness, but that is the farthest from the truth. Here is the truth. The truth is meetings with stakeholders—36 meetings with pharmacy; 16 meetings with the generic drug manufacturers; 28 meetings with the brand name drug manufacturers; 29 meetings with patient and disease advocacy groups; 21 meetings with consultants and benefits plan administrators; seven meetings with large employers; 18 meetings with academics, researchers and health care professionals; five meetings with professional associations; seven meetings with Cancer Care Ontario; 15 meetings with other ministries—and I can go on and on, because this is so important to Ontarians.

Most Ontarians need drugs for health care benefits, have to access drugs, and we want to make sure we build a system that is patient-centred, that fixes what is broken and that makes sure we can bring efficiency, fairness and access to a system that today doesn't have that.

So let's see, after all those meetings, all that consultation—and there will be much more consultation as we move forward—what some of the groups said.

Patient groups: "Ontario appears to have set a new standard for access to drugs, one that other provinces can emulate."

"Today, cancer patients have renewed confidence that they have been heard and their needs will be addressed." That's from the Cancer Advocacy Coalition of Canada.

Another group: "The government has listened to the complaints of doctors, patients, pharmacists, everyone involved in the system." Dr. Gowing, Cambridge cancer doctor and director of the Cancer Advocacy Coalition of Canada.

Mr. Speaker, you know as well as I do, as all the members in this House do, that many of our constituents come to see us feeling frustrated. We have Dr. Kuldip Kular here from the Bramalea-Gore-Malton-Springdale riding. I've talked to him often about the frustration, and he's talked to me about his patients coming in, needing access to drugs, having to go through a cumbersome process with section 8. He knows they need those drugs. They continue to wait for six to eight weeks, when they should be getting them right away.

This piece of legislation is looking to address all those barriers that exist today in front of patients and that tie up our doctors. Our doctors shouldn't be filling out hundreds or thousands of forms, wasting all sorts of precious time. They should be taking care of the health of our children, of our seniors, making sure they can see another patient. We know that there is a shortage of doctors. We're addressing that through other means, through our colleges and universities, to make sure that we get more of those foreign-trained doctors online and working in our communities. But we shouldn't have the doctors we have today working with an archaic system and not allow them to provide better health care, and making Ontario's health care system one that should be second to none.

Let's look at another group, our hospitals. Hilary Short, CEO of the OHA, has said, "Proposed changes to the way that drugs are approved for use in Ontario hospitals could help manage fast-rising pharmaceutical costs and lead to greater efficiency and effectiveness."

"The OHA ... supports the government's move to more closely involve patients in the pharmaceutical policy development and review processes."

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Yes, we would like to get better value for money for the taxpayers of Ontario, for all Ontarians, but that's not what's at the crux of the matter here. It's about making the system better for the patients, more access for the patients. And where do patients access their drugs? At their pharmacies. The pharmacies, like schools and other services that we have, are vital to our communities. When I say "community," I'm talking about the community that you walk in, that you ride your bike in. Most communities have a pharmacy. This legislation, if passed, will make sure that we are able to use the great resource of our pharmacists in the community, where they have not been used in the past. They've been seen just as dispensers of drugs. But they're so much more than that. They have so much education, and they have been waiting for so long to be able to deliver that education to the community. They should be compensated for that.



They will be able to work with all of us in our community and let us know how to lead healthier lifestyles and what drugs mean to our lives. Complications may happen with interaction between different drugs. We don't want that to happen to somebody and find them back at the doctor's office or in the hospital.

We want to make sure that we can access that resource. The pharmacists really are our front line of defence for patients each and every day. They're easy enough to meet on a daily basis. When you think about the level of interaction and the primary role that they play, especially in small communities—I know it has been brought up here about small communities, rural communities. They are vital there. Throughout the province, these people are nothing short of amazing. I have many friends who are pharmacists, and I think they're "people" people. They really enjoy interacting with those in the community and making sure that they keep their community healthy and well. We've heard that, on average, pharmacists interact with approximately 150 patients each and every day. That would translate into 1.6 million visits by Ontarians with their pharmacists on any given day—1.6 million visits. So we have a tremendous opportunity here that we are going to make sure we can access.

Along this line, I know that the Ontario Pharmacists' Association will be in negotiations with the Ministry of Health and Long-Term Care around their professional fees. We want to be fair with them. We want to make sure that they are a viable resource in our communities and that they're well taken care of, as we want others to be well taken care of as we build a better model, a better system that others could look to and see us as an example for what other jurisdictions may be doing in the future. It's a bold step that we have taken.

We've worked with the generic pharmaceuticals, another large stakeholder, and here's what they had to say: "Canadian generic drug makers support the government of Ontario's efforts to bring greater transparency and cost savings to the operation of its drug benefit programs." That's the Canadian Generic Pharmaceutical Association. Also, Russell Williams, president of Canada's Rx&D: "Canada's Research-Based Pharmaceutical Companies reaffirms its willingness to work with government to strengthen health and pharmaceutical care in Ontario."

It's really about moving forward into a model that is going to allow us, Ontario, to exercise, yes, our buying power—Ontario spends \$3.5 billion of purchasing power on drugs—and be able to give us the best value for money for everybody. But it's not so that we won't do anything with that money. That money is going to be used to better our health care system.

**The Acting Speaker (Mr. Mario Sergio):** Questions and comments?

**Mr. Peterson:** It's a pleasure to follow the member from Mississauga East because he obviously not only gets the content, he gets the enthusiasm with which we are promoting this bill.

It's interesting to note that some people think the new executive director will be able to hide his process. It's quite the contrary: The process will be open and it will be disclosed on a website as to what stage drugs are at in terms of the review process. Under the new rapid review, we will be able to take drugs, where there's no alternative treatment available, and review a product while it is still being reviewed by Health Canada, so that once Health Canada has finished its review, we will be in lockstep with them and be able to approve the drug immediately rather than starting from scratch. This, again, should give us faster access to drugs.

At the present time, for a drug to be approved, it has to be reviewed by cabinet. As you all know, cabinet proceedings are all held in secrecy, kept confidential and cannot be disclosed. With the executive director, we will be able to disclose his process, reveal information so that the drug companies can feel more up-to-date about what is happening and the process will not be cloaked in secrecy.

There are many aspects to this bill. It is not just about price; it is about better access to better drugs for the benefit of all the people of Ontario.

**Ms. Scott:** I'm pleased to comment on the comments from the member for Mississauga East on Bill 102 today. I was happy to hear that there are going to be more consultations, because there need to be. The member from Kitchener-Waterloo, when finishing up her initial remarks on the bill, brought up a lot of interested stakeholder groups that want to have more comment and want to make more changes.

Should we make the system better? Absolutely. More accessibility for patients to drugs? Yes. Does this bill do this? We don't think for sure that it does. That's why we've brought up some recommendations that we want to hear before committee, and hopefully some amendments that will be made to the accessibility to drugs.

There's no question, as the member commented, that pharmacists are a valuable asset in our communities, and there's no question that if they could have a bigger role in primary health care, they should have it. They interact with patients. They know about drug reactions that happen. They have a more concise list of drugs that patients are on. So we certainly are supportive of the changes, because for years pharmacists have been performing this. They call it a med-management role, and they need to be properly compensated for that.

The concern we have about the small-town and independent pharmacies is that they may be negatively affected by other parts of this bill, especially in the reform package with rebates. If we can't keep the small pharmacists going, and pharmacists in small communities going, so that patients can access their professional services and their primary health care, what is it going to do for the patients if pharmacists are leaving? That's of great concern, the small drugstores that aren't in big chains in our system.



We're concerned that this bill doesn't mean greater access for patients and doesn't give them more choice, and we look forward to more debate on this.

**Mr. Marchese:** I wonder whether the member from Mississauga East, and the member from Mississauga South, when he gets another opportunity, will comment on a number of these questions that I want to ask them.

The first one has to do with the savings that are going to be generated, because the member from Mississauga East says "Savings will be reinvested." That's what the minister said. That's what every member is saying. I wonder whether the member has any problems including that in the bill, where we actually say, through a simple amendment, that should there be savings from the reform of the drug system, the money will be put back into our health care system. I'm assuming you wouldn't disagree with that, because it's a simple amendment and it's something that agrees with what you want to do.

1720

Secondly, the new drug quality and therapeutics committee: The minister claims there will be patient representation, a patient rep. I wonder whether or not the members from Mississauga East and Mississauga South agree with me that. Perhaps we should include that in the bill, because while the minister claims there will be patient representation, we don't know whether that's the case. If you include that in the bill, with one minor amendment, we will know, we will agree with you and everybody will feel better. I wonder what the member from Mississauga East thinks about that.

The drug czar: I wonder whether the members who have spoken, the parliamentary assistant and the member from Mississauga East, can comment on this. We have a drug programs branch, headed by Susan Paetkau. What is your problem with continuing to have that group of people, who have built up a great deal of expertise, manage this, versus having to appoint a drug czar to deal with it? If you could explain that difference, it would help me.

**Mr. Kuldip Kular (Bramalea-Gore-Malton-Springdale):** What the Minister of Health and Long-Term Care is doing with Bill 102 is trying to change the Ontario drug system. Drugs are costing too much in our province, and the costs for these drugs are growing fast every day. For the last few years, the drug costs are so much that they are trying to threaten our public health care system. This province has \$3.5 billion worth of drug purchases from various pharmaceutical companies.

This system is not only saving costs on the drug system; it's going to increase the efficiency of the system. Patients will have faster access to the drugs they need and the taxpayers will get value for their money.

At the present time, we have significant challenges with the current system. It's not giving the money's worth of what the patients pay for. With our system, by changing this one, what the minister is trying to do and is telling Ontarians is that they will get drugs faster, the new drugs will be easier to access and they will be getting what they are getting now. There would be no change in the drug system they're getting—all the drugs

they are getting now, they will be getting the same way they are getting them now.

The minister is doing a phenomenal job to save, and is making the system efficient.

**The Acting Speaker:** The member from Mississauga East has two minutes to respond.

**Mr. Fonseca:** First, I'd like to thank all the members who just spoke: the member for Mississauga South, the member for Haliburton-Victoria-Brock, the member for Trinity-Spadina and the member for Bramalea-Gore-Malton-Springdale.

The member for Mississauga South, I know, has been out there in the community, working across the province and making sure people really understand this legislation, because it is a monumental change. But it's a positive change that will help all Ontarians, will help our health care system.

The member for Haliburton-Victoria-Brock spoke eloquently about the pharmacists. What I'm going to do is just make a statement here and say what the minister had to say about how this will help in terms of pharmacology and the pharmacists. "I recognize that there are issues about the sustainability, about the economics of pharmacy," and as such, we will work in partnership with the Ontario Pharmacists' Association "to make sure that we have robust, vibrant pharmacy" system "in this province." At the end of the day, "we have a particular obligation to ensure that the economics of pharmacy remain vital, so that the vital service they can provide will be very well cared for."

That's a resounding endorsement, I think, from the minister toward the pharmacy and our pharmacists.

The member for Trinity-Spadina also spoke about the patients. Is this about the dollars or is this about the patients, or what is this all about? This is about making a better system. But yes, I can assure the member from Trinity-Spadina that it's about keeping the patient always at the centre of our system. We will not go wrong if we always focus on the patient.

The member from Bramalea-Gore-Malton-Springdale, who has so much knowledge on this, being a family physician, talks about how we can get quicker access for all Ontarians to drugs, and I think that's a great thing.

**The Acting Speaker (Mr. Joseph N. Tascona):** It's time for further debate. The Chair recognizes the member from Oshawa.

**Mr. Jerry J. Ouellette (Oshawa):** I very much appreciate the opportunity to rise today to speak on Bill 102.

We put a lot of trust in a lot of individuals in this health care system, from the doctors prescribing medications to the pharmacists and people working there in providing and filling those medications. I think the reality is that a lot of individuals, when they come upon a recommendation by a doctor, take that advice. They don't have a lot of detailed information as to what's going to take place. Granted, the pharmacists provide the handout, but quite frankly, I would imagine, like the average family does, like a lot of them do, they just



discard them, putting their full trust in the individuals who prescribe those medications.

I think, as mentioned by the member from Mississauga East, that looking for the best value for money is—essentially what we're looking at here is an ongoing battle between the generic companies and the name brand companies. We talk about the fact that some of it is the rebates and all those sorts of things that potentially take place from companies, and disallowing that. I don't know, not having worked on the file directly, if that is actually a problem, if that's a large thing that's occurring. I would certainly hope that the PA, when he responds, will be able to define whether drug companies receive a lot of rebates or if that's an incentive that goes on.

One of the things I do very much appreciate is the advertising that takes place by the American drug companies now, where they actually list all the side effects and potential things to watch out for when dealing with drugs. I think that's a good way of informing the public at large. That helped to formulate a bit of the parameters on which I decided to move forward on the private member's bill that I introduced in December regarding advertising.

Some of the areas that I wanted to discuss were such things as the executive officer deciding and designating product interchangeability. Some of the areas that I have concern about—and I'm probably going to get into a bit of an example that may be somewhat off topic, but I think at the conclusion or the debriefing of it the members here will gain an understanding of what I'm referring to. For example, my mother was taking medication and it was being delisted. Then she had to take another one, and she was quite frankly not receiving, according to her and to her doctor, the same sort of benefits from the new drug. The questions there for the PA would be: In the case where a person has been using a drug for an extended period of time, how is that going to impact them when all of a sudden they have to change the current source of relief that they receive from whatever the drug may be? Is there going to be an extension of grandfathering? What's the case going to be, or is it all of a sudden cut and dried in moving from this drug to that drug? That will have a substantial impact on a lot of individuals, not only the individual receiving the medication but the doctors who are prescribing it.

In her particular case, the doctor who came forward in this was saying that the new one—and he was not very pleased with the generic one, I believe it was, that was being allowed; the other one was being disallowed. The benefits from that were not as defined. In the model where the US drug companies are specifically saying, "These are the side effects," some form of comparison, whether it's through the secretariat, allows the people or the populace at large to get a better understanding of what the exact benefits and what the negative impacts potentially could be.

On page 2 of the bill it talks about the requirements for interchangeability: "it does not contain a drug or drugs in the same amounts of the same or similar active

ingredients in the same or similar dosage form as the other product."

Some of the concerns that could be coming forward are that people react in different ways, as we all do, to different medications. There are coatings that are put on or there are carrying agents. I'm not totally versed in how all the drugs—I have some understanding of the way it works, but a carrying agent actually carries the medication to the problem area within the system. It could be different and it could react to different individuals; hence, you don't get the same response. Is that how the section 8 removal will be allowed to come forward? If something is working very beneficially and they change it over, will those other things be considered, whether it's the coatings or the carrying agents or other aspects that come forward as well?

1730

One of the other things that I think needs to be discussed is, for example, it talks about the impacts and the fees. How is this going to impact, for example, a methadone clinic? There's a lot of concern from a lot of individuals in my own riding of Oshawa. There's a methadone clinic there, and as a matter of fact I received correspondence within the past 24 hours from a constituent who had concerns about the way individuals are making their money through the methadone clinic. What are the impacts going to be on this, and how is it going to be affected, and are there going to be limitations on what takes place there? The community or the individuals with businesses in that area have some strong concerns about the way the methadone clinic operates. Clarifying it or providing information would go a long way in removing people's concerns and making sure it's dealt with in a proper fashion and a benefit to not only the community but the recipients as well.

There are some other things. I can remember doing a course where it was specifically brought up that the drug development aspect—this is where the name brand and the generic brand comes into play. It takes about a billion dollars to develop a new drug. There is a disincentive for the developmental companies to move forward in developing new drugs when they don't get the guarantees of the revenues that may come back. As mentioned by the member from Mississauga East, the \$3.5-billion file is certainly something that needs to be addressed. It occupies and is a very warranted area that the budget in the province of Ontario deals with, trying to help out people in a lot of areas.

Is this going to be a deterrent for drug manufacturers to locate in Ontario, to try to move forward? Hopefully the member from Mississauga East, who is shaking his head no, will be able to fill us in on how they think there's an incentive for them to come forward. Quite frankly, I'd like to know those sorts of things.

One of the other areas that I would hope the secretary could possibly look at is the dispensing aspect. I know that two governments ago there were some changes.

My wife had her thyroid removed, and she has to get the same medication every year. Once upon a time,



previous to our government, when we had the privilege and honour, they would just phone up and say that they needed a repeat on it, and it would take place. Now she has to go in and have an examination every year whether she needs it or not. More or less, it looks like paperwork and filing. The member had mentioned before the difficulties with the amount of paperwork. Is there not some way that the secretary can compile data to show that on repeat drugs, it possibly might not be necessary to have constant reviewing by the doctors to allow the repeat to go through, so that we save all those reviewing fees by the doctors and the dispensing fees, however they take place, within the pharmaceutical communities? That might be one way we can speed up the process, reduce the paperwork and decrease costs to the taxpayer at large.

Now, we spoke about a number of other areas that I wanted to bring forward. I know Minister Kwinter has been in the House most of the afternoon. He brought forward a private member's bill, when he was in opposition, dealing with alternative medicines. Is there going to be any possibility to deal with alternative medicines in this or not? I haven't seen any communication or any dealings come forward on that.

The one thing I wanted to mention was, when I spoke about the carrying agents or the coatings and things like that—I can give an example. What happened was—and this will seem rather strange, but I think you'll gain understanding of what I'm referring to at the end of the debate—we have an older dog at the house, and it couldn't walk. We had gone to the vet and said, "What's wrong with our dog?" The dog is about 12 years old, and the vet said, "This dog has a very poor quality of life. You should look at putting it down." My response was, "We take on a responsibility. You should fulfill the obligations of your responsibility and do what you can for it." The vet said that normally in situations like this a tumour has grown on the spine and shut off the nerve system. I said, "How do we find out?" It was through an X-ray. So we went in for an X-ray and found out no, it wasn't a tumour, but all the cartilage had worn out in the dog's right rear hip. So the vet said at the same time, "This dog has a very poor quality of life, and you should look at putting it down." I said, "No, actually we have a jar of glucosamine in the cupboard that's been sitting there for a while, and we're going to try that. We have nothing to lose." So we started the dog on glucosamine. I want to tell you now that within a month you would not know that dog had ever had a problem. It was up running around and going like crazy.

The point I'm getting to—and I actually happened to hear that through the Arthritis Society. It had a great presentation and review of glucosamine, and explained how it worked and everything else. Well, the jar ran out, and the jar had been in the cupboard for a while, so I went back to buy another one. I couldn't find the exact same jar. Lo and behold, there's a new brand of glucosamine, and guess what? The dog has been on it for a while and is going downhill again. The new jar isn't working as well. So I have to go back and try and find

some of the old stuff, the point being that, sometimes when we change—and dogs don't really know the difference. They don't know placebos. They don't know, when they're taking something—when you put a little bit of peanut butter on it, they take it just the same. They don't know the change. The effect is that the dog's having difficulty again and I'm going to have to go back to the old one.

The point is that it's the same thing when we're changing to generics or to less costly drugs. There may be some alternative side effects. Yes, they may be beneficial and yes, they may have cost advantages, but we have to have some area where we can actually look at the debate and find that we can move forward to ensure that those ones that were working in the best interests of the patients are actually working.

**Mr. Chudleigh:** Is the dog still around?

**Mr. Ouellette:** The dog is still around. It's up and down and it's going great. It's actually an amazing story because we'd have to carry it outside to go to the washroom. It couldn't go downstairs; it couldn't even sit up—nothing. Now it goes around and can't wait to go for a walk. Mind you, it's getting a little bit slower and the new jar isn't working quite as well, so I've got to find—

*Interjection.*

**Mr. Ouellette:** And it works.

Some of the other areas I wanted to talk about were on section 8 and what takes place there. I don't understand quite all the details, and hopefully the PA will be able to fill us in on the exact paperwork and the benefits to it. I know that the member from Kitchener-Waterloo had brought forward some of the debate and concerns. I didn't really hear a response as to how it's going to change in order to benefit. I know that the current law in section 8 is that in certain cases drugs are allowed, but is this going to change and will we have to look at section 8s for those individuals, as I mentioned earlier on, who are currently using one that's going to be delisted and brought forward again?

The other area I'd like to discuss on this bill is the calculation formula. We hear a lot about the impact on small pharmacies and what's going to take place. I believe that they'll restructure into one of two things: They could be bought up by major companies or they'll form into buy groups.

From what I understand, when reading the calculation for the dispensing formula, it's based on the volumes that you buy. The province of Ontario, to my knowledge, hasn't changed and is still the largest pharmaceutical purchaser in the entire world with \$3.5 billion. There's no other single organization or entity in the entire world that buys as many drugs as Ontario, but we're at the end of the line. What'll take place, from what I'm seeing and hearing, is that the large drug companies will make large purchases, get volume discounts and be able to sell at reduced costs. The smaller mom-and-pop pharmacies, as they're being called, will not be able to compete on that level.



What will end up happening, and what I may see happening or expect to happen, is that these businesses will actually come forward and form into buy groups where they'll be able to buy in large-volume discounts. Hopefully, they'll be able to get some assistance from the province to move forward to ensure that they can provide those services, as mentioned, in rural or small northern communities, whatever the case may be.

The rebate: As I said earlier on, I'm not quite sure that there is a problem in that area, but I would certainly like to find out if there are problems in the rebate aspect of the legislation. What's the impact going to be on the methadone clinic?

Drug development: I know the member from Mississauga East had stated that there would be no negative impact on developing new drugs or research in the province of Ontario. Is there going to be some formula or some provincial incentive for them to maintain here? I believe it was about an 18-year payback for a drug company, once they develop a drug, in order to recoup the costs. After that period of time, as I recall, they start making profits. Obviously it depends on the volume of drugs sold and those sorts of things. There may be some other ones in which obviously, if it's large-volume sales, their time frames are lot less. Do you expect to see any changes in that?

The other area, as I mentioned earlier on, is the aspect of changing medication and the secretariat's ability to do that. Hopefully, we'll find out what takes place from that.

Some of the concerns, as brought forward, are that apparently this potentially could put 30,000 high-paying jobs in the province of Ontario at risk. I know that our lead speaker, the member from Kitchener-Waterloo, had brought this forward. We need to hear some sort of response just to understand how it's going to impact the industry as a whole. The return on investment for drug companies, as mentioned earlier on, will certainly have a large impact.

Those are some of the key things that I wanted to bring up. Hopefully that will be moving forward and going to committee.

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I expect that the committee hearings would take place throughout the province and that we would be able to get some input from a lot of the small and rural and particularly northern communities in Ontario. As listed, the potential is that one in 10 pharmacies could be forced to close due to the cap on the fees that is coming forward. Actually, one of the members from the third party mentioned the actual savings that are going to take place; \$3.5 billion is a huge, huge part of the provincial budget. We certainly need to address it in any way we can move forward in dealing with this, making sure that we provide the quality of service and the care for the individuals in Ontario who are using this. This is something we all need to look forward to.

I look forward to hearing the responses on some of those. At this time I'm—

*Interjection.*

**Mr. Ouellette:** No?

**Interjection:** Tell us more about the dog.

**Mr. Ouellette:** Tell us more about the dog? Just a sec.

**Mr. Chudleigh:** Is this the first dog you've ever had?

**Mr. Ouellette:** No, this is not the first, but this is the first time glucosamine has ever worked or been utilized. The question was about the poor dog that is utilizing that.

Some of the other areas—

**Mr. Chudleigh:** What about the poor pharmacists?

**Mr. Ouellette:** Well, no, we spoke about the pharmacies and the advertising component as well. That would be something that I hope the PA would be able to bring forward as well. As I started off the debate, we put a lot of trust in the doctors who prescribe the medications and the pharmacists who provide them, but realistically we don't have a lot of detailed information as to what the effects are going to be. When these sorts of delistings and listings come forward, some form of comparison to inform the public at large what the impact is going to be would be very beneficial to a lot of people.

With that, I'm going to close my remarks. I appreciate the opportunity to speak on the debate and look forward to hearing the responses.

**The Acting Speaker:** Time for questions and comments.

**Mr. Marchese:** I've got some questions for the member from Oshawa too. I asked the member from Mississauga East but perhaps he didn't have the fullness of time to answer them; I'm not quite sure but I asked him some questions. This is about saving money. That's what they're saying.

**Mr. Fonseca:** No, it's about the patient.

**Mr. Marchese:** The member from Mississauga East says, "Oh, it's only about the patient." He must have repeated that five times. But the member from Willowdale talked about managing the costs. I'm sure that the member from Mississauga East would disagree with that. It's not about managing costs, is it? It's about the patients, isn't it? So I'm hoping that when the member from Mississauga East stands up, he is going to correct the member from Willowdale, because it's not about managing costs; it's about patients and making sure they get access to the right drugs and access to the right service.

They claim they're going to save 289 million bucks. I believe that if those savings are to be achieved, they should be going back into the health care system. What we're proposing is that we move a slight little amendment that says that those savings are going to go back into the health care system and put that in the bill. I suspect that the member from Oshawa might agree with me and might want to comment on that.

The other point I made is that there's going to be a new Drug Quality and Therapeutics Committee. The minister has said that they're going to have a consumer, not advocate but individual, to be represented on that committee. My sense is that it would be good to have a consumer or former patient on that committee and comment in that regard. My sense is that it would be a good



thing. I'm saying, put that into the bill, and I wonder whether the member from Oshawa agrees with me.

**Mr. Lou Rinaldi (Northumberland):** It's a pleasure to make a few comments to the statements the member from Oshawa made just a few minutes ago. He mentioned methadone dispensing and the challenges that creates. The member should know that Minister Smitherman just this week announced a task force to review how methadone is dispensed. We recognize there are some challenges and we're going to tackle them. The minister announced that just this week.

Let me add to this. We can argue back and forth where the money is going and where it's not going. The fact of the matter is that 46 cents out of every dollar we collect in this province goes to health care, and the drug piece is a big component of that. I hope we don't come to the day when the government in this province recognizes the out-of-kilter costs for health care, including drugs, and put up their hands and say, "We can't afford this anymore." We need to put mechanisms in place to make sure we maintain one of the envies of the world when it comes to our public health care system. This is just one of those components that is getting way out of hand.

You don't have to listen to this government. The previous government and the government before that recognized those challenges, but they stood back and let those costs increase. I know it's tough, but all I'm saying is that patients come first and we're dealing with that to make sure they get the proper drugs, and at the same time, to put some measuring sticks in place, some measurements, to make sure that we control those costs, that we can afford the public health care we've all become accustomed to in this province. We want to maintain that.

**Mr. Chudleigh:** The member for Oshawa speaks knowingly about this bill, and from personal experience. All drugs are not the same, and as to the differences between brand names and generics, there's all kinds of anecdotal evidence on the differences between these two. There's more of it there than could be just happenstance. There's something about the different formulae that helps some people and doesn't help others. To substitute those willy-nilly or unknowingly to the patient could be a very dangerous thing.

It points out the fact that we don't know what this bill is really all about. We know they want to reduce prices, we know they want to bring down the price of drugs, but we already know that Americans are coming over to Canada to buy drugs. So we know that our drugs are already cheaper than they are across the border, yet this government wants to bring down the price of drugs even further. Something doesn't quite wash. It doesn't quite make sense that we already have cheap drugs and you want to make them cheaper. I find it just a little confusing when this bill talks about doing things that apparently, from observing the marketplace, you might think are already done. So what else is in this bill that they're not talking about? The whole bill was brought about in a rather secretive kind of situation.

It's also the pharmacies. They say the pharmacies are going to be very happy. They say the guy who runs the pharmacy association is very happy with this legislation. Yet there was an article about this bill in the paper this week, and tomorrow, when we all go to our constituencies, my constituency day is booked with every pharmacy in town. It's going to be really busy tomorrow with all the pharmacists who apparently are not very happy with this bill. They're going to tell me how this bill is going to bankrupt them. Apparently the Liberals don't want me to talk about this. It's going to come about that it's going to be very difficult for these people to make a living and survive.

**The Acting Speaker:** Okay.

**Mr. Chudleigh:** So I ask you to have a second look at this. I think this bill, a lot of debate—

**The Acting Speaker:** Thank you.

**Mr. Chudleigh:** Sorry. I think my time is up.

**The Acting Speaker:** Thank you. That was very well said.

It's time for further debate. The Chair recognizes the member for Perth—Middlesex.

**Mr. John Wilkinson (Perth—Middlesex):** I hope it's no imposition that I get up and speak for a few minutes on this. I wouldn't want to put you out.

I say to my good friend from Halton, let's just run through the math again. I agree with your premise, sir, that drugs are more expensive in the United States. Obviously that is why people are lined up to come to our country. I agree with you. So now what you're saying is—and I find this kind of odd. Maybe when the member gets his chance to rebut this whole part of the debate, he will help me out on this. If we're going to actually reduce those costs further so that the available resources provide more pharmaceutical care for those who need it, what is wrong with that? It seems to me that we have a responsibility to the taxpayers to take their money and make sure we get the very best value for the dollar given to us. The minister has been very clear that this is not about saving money so that people have less care; it's about wisely spending the taxpayers' money so that there is more care. So I was somewhat taken aback, as someone dealing in the financial world before I ever got here, as to why we would not all be in favour, if we can find ways of being more efficient with the taxpayers' money, of providing more care and better care.

I particularly like the minister's initiative. As members, we all know about the challenges of doctors taking time out of their own time to help our patients who need schedule 8s. I thought the minister's idea of how to streamline that, how to get rid of that, to reduce that kind of bureaucratic requirement and put us in a position where as a province we could be more compassionate to our fellow citizens who are in the position of needing a schedule 8 approval, is a far better way to spend taxpayers' money.

**The Acting Speaker:** The Chair recognizes the member from Oshawa in response.

**Mr. Ouellette:** I appreciate the members from Trinity–Spadina, Northumberland, Halton and Perth–Middlesex speaking on the issue.

In regard to the member from Trinity–Spadina mentioning the \$289-million savings and investing it back in, we all know that everything goes back to the general revenue. But the increased costs in health care will be ongoing, and anything that goes back into it would certainly help the populace at large in providing a health care system that we're all proud of.

The member from Northumberland spoke about the minister's announcement regarding the task force on dispensing that was announced this week. Certainly when a bill comes forward that deals with these specific issues, I would have thought a task force should have gone out before the bill came forward. Possibly this is going to be part of the bill or the amendments to come forward. Then the bill should be delayed until the results of that task force come back so that we can get all the information and input to make sure the task force on dispensing, as the member from Northumberland talked about, will have the impact that is needed, and not go through a bill,

then look for another bill to come forward, or possibly through regulations, to try to deal with the amendment at that time.

The member from Halton mentioned the Americans coming in to buy Canadian drugs. The Canadian dollar reached a high of 88 cents the other day and they're still coming across, because obviously our drugs are that much cheaper.

One of the questions for the member from Mississauga East—and I didn't really hear any responses to any questions I had—would be, when we spoke about the jobs that potentially could be lost, are you replacing the research that the name brand companies actually provide out there with the generic companies that will be selling cheaper drugs to Americans or other jurisdictions around the world? Is that one of the impacts that we expect to see? Also, what's going to take place in regard to the methadone clinic and how it's going to be impacted?

**The Acting Speaker:** Thank you. It being approximately 6 p.m., this House stands adjourned until 1:30 p.m. on Monday, May 1, 2006.

*The House adjourned at 1754.*



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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.



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